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SPECIAL ACTS

PASSED AT THE FIFTEENTH SESSION

GENERAL ASSEMBLY

OF THE

STATE OF INDIANA,

BEGUN AND HELD AT INDIANAPOLIS, ON MONDAY THE SIXTH DAY OF DECEMBER,

A. D. ONE THOUSAND EIGHT HUNDRED AND THIRTY.

BY AUTHORITY.

INDIANAPOLIS:

PRINTED BY DOUGLASS AND MAGUIRE.

1831.

SPECIAL ACTS

OF THE STATE OF INDIANA.

CHAPTER I.

An Act making General Appropriations for the year 1831.

[APPROVED, FEBRUARY 4, 1831.]

Be it enacted by the General Assembly of the State of Indiana, That there be appropriated for the expenses of the present general assembly, including the pay of members, secretaries, clerks, sergeant of arms, door-keepers, stationery, fuel, printing, binding, and distributing the laws and journals, together with all other expenses incident to the present session, the sum of twenty thousand dollars. Legislative.

For the executive department, the sum of two thousand four hundred dollars. Executive.

For the judiciary department, the sum of seven thousand one hundred dollars. Judiciary.

For prosecuting attornies, the sum of one thousand one hundred dollars. Prosecuting attornies.

For adjutant and quarter-master-general, one hundred and fifty dollars. Military.

For contingent expenses, one thousand dollars. Contingent.

For state prison, six hundred dollars. State prison.

For wolf scalps, eight hundred dollars. Wolf scalps.

For state library, one hundred and fifteen dollars. State library.

For probate judges, two thousand five hundred dollars. Probate judge.

For specific appropriation, two thousand dollars. Specific.

CHAPTER II.

An Act making Specific Appropriations for the year eighteen hundred and thirty-one.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the principal and assistant secretaries of Clerks and the senate, and the principal and assistant clerks of the cretaries.

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house of representatives, shall severally be allowed the sum of three dollars and fifty cents per day, and the enrolling secretary of the senate, and the enrolling clerk of the house of representatives, the sum of three dollars and fifty cents per day, for each and every day they may have served as such, during the present session; and the sergeant-at-arms, the sum of two dollars per day, for each and every day he may have served as such, during the present session; the door-keeper of the senate and the door-keeper of the house of representatives, two dollars and fifty cents for each and every day they may have served as such, during the present session.

Sergeant at arms.

Door-keepers.

Broaddus.

That Robert L. Broaddus be allowed the sum of twenty-three dollars for money advanced by him, to defray the expenses of storage and transportation of one cannon and equipage, muskets, swords, &c. from Cincinnati to Connersville, for the artillery company of the eleventh regiment.

Wright.

That Jesse Wright be allowed the sum of thirteen dollars, for assisting to reclaim Nathan Baker, a fugitive from justice.

Law.

That John Law be allowed the sum of twenty dollars, paid by him for the transportation of one piece of cannon from Evansville to Vincennes, for the use of the artillery company of that place.

Waller.

That George A. Waller be allowed six dollars and eighty-eight cents, for interest on treasury notes received by him in the year eighteen hundred and twenty-four.

Hunt.

That Jesse Hunt be allowed five dollars for drayage, storage, &c. on five boxes of books (military tactics.)

Reynolds.

That William R. Reynolds be allowed the sum of fifteen dollars and thirty-one cents, as compensation for his services, and money expended in pursuing David Carter, the supposed murderer of Samuel Smith.

Tadlock.

That Elisha Tadlock be allowed twenty-two dollars, for money furnished to William Alexander and others, for the purpose of pursuing said Carter.

Noble.

That Noah Noble be allowed the sum of one hundred and thirty dollars and twelve cents, for his services as contract commissioner on the Michigan road.

Anderson.

That James Anderson, collector of Hendricks county, be allowed seven dollars and eighty-seven cents, for delinquent polls in said county.

Governor.

That the governor be allowed the sum of two hundred dollars for house rent for the ensuing year.

Brown & Morrison.

That Brown and Morrison be allowed the sum of one hundred and ninety-nine dollars and seventeen cents, for stationary, &c. furnished the present general assembly.

Sharpe.

That E. Sharpe, agent of state for the town of Indianapolis, be allowed the sum of forty-seven dollars, for money

paid for surveying, platting, and advertising lots, and for stationary.

That Jesse Combs be allowed three dollars, for mending Combs. chairs for the legislature.

That F. T. Luse be allowed five dollars and sixty-eight cents, for repairing furniture, &c. for the legislature.

That McCarty and Williams be allowed sixteen dollars and thirty-seven cents, for stationary for the use of the general assembly.

That Sampson Leatherman be allowed two dollars for Leatherman. services to the general assembly.

That the secretary of state be allowed the sum of one hundred and fifty dollars, for copying the laws of the present session, for superintending the printing, making marginal notes and index to the same, and preparing the laws and journals for distribution.

That Calvin Goudy be allowed two dollars, for putting the representative's hall in order, on the first day of the last and present sessions.

That Andrew Sloan be allowed the sum of two dollars and eight cents, for glazing done to the state house windows.

That Shadrach Laquatt be allowed the sum of one dollar and twenty-five cents per day, for fuel furnished the general assembly during the present session.

That H. Gregg be allowed the sum of twenty-one dollars and fifty cents, for six days services as clerk in revising the militia law and for cash paid for stationary.

That the clerks of the revising committees be severally allowed the sum of three dollars per day, for each and every day they may have served during the present session; and a certificate signed by one of the joint committee of revision, shall be a sufficient voucher to authorize the auditor to audit, and the treasurer to pay their respective claims.

That Isaac Howk be allowed the sum of one dollar and fifty cents, for postage paid by him as speaker of the house of representatives at the present session.

That David Hoover be allowed the sum of twenty-three dollars, eighteen and one half cents, for services rendered by him as clerk of the Wayne circuit court, in the case of the state of Indiana, against William McClain, late sheriff of said county.

That Edmund I. Kidd be allowed eight dollars, for monies paid by him for defraying the expenses of transporting fifty stands of arms from Cincinnati to Connersville.

That Solomon Green of Monroe county, be allowed four-teen dollars, for his services in arresting Nathan Baker, a fugitive from justice.

That John Prather a man of color, be allowed one dollar, for necessary services by him rendered.

Vanblaricum. That James Vanblaricum be allowed six dollars and ninety-three and three-fourth cents, for articles furnished and work done for the general assembly.

Morse. That Oliver Morse be allowed three dollars, eighteen and three-fourth cents, for wood and brick furnished the general assembly.

Phipps & Co. That I. N. Phipps and Co. be allowed fifteen dollars and twenty-five cents, for stationary and other articles furnished this general assembly.

Edmondson. That Basil B. Edmondson, collector of the revenue of Dubois county for the year 1826, be allowed six dollars and fifty cents, being the amount of forfeiture paid by him into the treasury for that year.

Brown. That Basil Brown be allowed two dollars and fifty cents, for a table furnished for the use of the enrolling secretary.

McCarty and Williams. That McCarty and Williams be allowed seven dollars and fifty cents, for stationary furnished the present general assembly.

Kinder. That Isaac Kinder be allowed fifty cents, for stationary.

Orr. That Joseph Orr be allowed ten dollars and seventy-four cents, for transporting four boxes of cavalry arms from Cincinnati to Greencastle, and also ten dollars and fifty cents in addition, for transporting one six pounder field-piece and accoutrements from Terre Haute to Greencastle, and for other expenses in procuring said field-piece to be forwarded from Louisville.

Gates. That Uriah Gates, be allowed the sum of one dollar and fifty cents, for repairing the roof of the court house, at the present session of the general assembly.

Brown & Morrison. That Brown and Morrison be allowed one dollar and seventy-six cents, for articles of stationary furnished this general assembly.

Secretaries' & clerks' per diem, how audited. That the certificate of the enrolling clerk and enrolling secretary, shall be a sufficient voucher to authorize the auditor to audit, and the treasurer to pay the assistant enrolling clerks, for their services during the present session.

The enrolling secretary of the senate and enrolling clerk of the house, shall certify for their respective assistants.

CHAPTER III.

An Act authorizing Asylums in the Counties of Wayne, Harrison, and Jefferson.

[APPROVED, DECEMBER 29, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the boards of commissioners of Wayne,

Harrison and Jefferson counties, whenever they shall deem it advisable, shall purchase and hold, each, a tract of land, in the name of the said counties respectively, and erect buildings thereon for the accommodation of the poor, as to them may appear expedient and proper; and in order that the same may be effected, the said boards of commissioners shall have power, from time to time, to assess on property liable to be assessed for raising a county revenue, to an amount sufficient to carry this act into complete effect.

County board may purchase land and erect buildings.

Tax may be assessed.

SEC. 2. That so soon as the necessary provisions may be made, by the erection of the proper buildings, the said boards respectively, shall order and direct, that all persons who have become a permanent charge, as paupers on said counties, be removed to said asylums, and shall take such measures for the employment and support of such paupers as they deem advisable.

Paupers to be sent to asylum

SEC. 3. That in order to aid in the support and employment of the poor at such asylums, they are hereby authorized to appoint two or more directors, to manage said institutions, under such regulations as said boards may appoint.

Directors and their duties.

SEC. 4. That whenever such establishments may be arranged, and put in operation as aforesaid, the overseers of the poor, shall, from time to time, as persons may become permanent charges as paupers, have such persons removed to said asylums; and the directors of such asylums shall have all powers granted by the several acts now in force, to the overseers of the poor, so far as the same may be necessary and expedient, and shall, from time to time, as they may be directed by said boards of commissioners, report to them concerning said asylums.

Overseers of poor shall remove poor to asylum. Powers of directors.

Report to county board.

CHAPTER IV.

An Act supplemental to an act entitled "An Act relative to Foreign Attachments,"—approved, January 20, 1831.

[APPROVED, JANUARY 29, 1831.]

Whereas, on the passage of the above cited act, it was the intention of this general assembly to strike out the words, in the second section thereof, following, that is to say: "trespass or injury; provided, the writ of foreign attachment shall not be issued in cases of libel and slander;" which intention, through clerical mistake, was not carried into effect: therefore,

Preamble. See revised code, page 321.

Mistake corrected.

Be it enacted by the General Assembly of the state of Indiana, That the words "trespass or injury; provided, the writ of foreign attachment shall not be issued in cases of libel and slander," in the second section of the act entitled "An act relative to foreign attachments," be and the same are hereby stricken out, and directed not to be printed.

CHAPTER V.

An Act providing for the Construction of a Bridge over Mill Creek in Owen County.

[APPROVED, JANUARY 24, 1831.]

Preamble.

Whereas, It is represented, that pursuant to the provisions of an act, entitled "An act authorizing the laying off of certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per cent. fund for opening the said roads," approved, December 31, 1821, a bridge was built or contracted to be built, over Mill creek in Owen county, where the state road from Highlands, on White river, to Washington, thence to Burlington, thence to Spencer, thence to Indianapolis, crosses the same, under the direction and authority of all or some two of the commissioners appointed for said road; and whereas, it is further represented, that owing to the insufficiency or want of completion of said bridge, a suit was instituted, and judgment for damages obtained, on the relation of said commissioners, or some two of them, in the Owen circuit court, against the person or persons liable for such insufficiency or want of completion, and that said damages, or at least a part thereof, have been collected; therefore,

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That Thomas McCormick, Abner Alexander and David Lookingbill, of said county, be, and they are hereby appointed commissioners, who, after giving bond in the penal sum of three hundred dollars, payable to the state of Indiana, with security, to be approved by the board doing county business for said county, and filing the same in the office of their clerk, conditioned for their faithful performance of the several duties required of them by this act, shall, and they are hereby authorized, in the name of the state of Indiana, to demand, sue for, recover and receive, the said damages, or any part thereof, of and from any person or persons who may have collected or received the same, or who may hereafter collect or receive the same.

Commissioners appointed to collect damages heretofore recovered. Their bond.

Suit authorized.

SEC. 2. The said commissioners, after giving twenty days notice, by written advertisements in three of the most public places in said county, shall offer by public out-cry, to the lowest bidder, the construction of a bridge over the said creek, where said road crosses the same, of such materials, proportions and workmanship, and to be finished at such time as said commissioners may direct; and they shall thereupon take from the lowest bidder, bond with security to be by them approved, payable to said state, in the penalty of three hundred dollars, conditioned for the construction of such bridge, pursuant to the requisitions of the foregoing section; and said commissioners are hereby authorized to pay over to such lowest bidder, after he shall have completed said bridge in manner aforesaid, the amount of his bid, out of such damages so recovered, expending the overplus, if any, on said road within the bounds of said county, under the direction of said board doing county business.

Contract for building bridge, how to be let.

Bond of contractor.

Commissioners shall pay contractor, & out of what funds.

SEC. 3. Should a vacancy occur in the office of either, any or all of said commissioners, whether by refusal to act or otherwise, said board doing county business are authorized to fill the same; *Provided,* That any two of the commissioners appointed by this act, or under its provisions, having given bond as aforesaid, shall be a quorum for doing any business required of said commissioners, by this act.

Vacancy in office of commissioner, how filled. Two commissioners a quorum.

SEC. 4. Said commissioners shall receive such compensation for the services required of them by this act, as the board doing county business for said county may allow.

Compensation to commissioners.

CHAPTER VI.

An Act to authorize Jacob Bales, to build a Toll Bridge across Salt Creek, in Monroe county.

[APPROVED, DECEMBER 31, 1830.]

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That Jacob Bales, his agent, heirs and assigns, be and they are hereby authorized, on the following conditions, and subject to the following restrictions hereinafter specified, to erect at their own expense, a toll bridge across Salt Creek, on the road leading from Bloomington, in Monroe county, to Salem, in Washington county, at the place on said road commonly called Bales' ferry, at least sixteen feet wide in the clear, with good and sufficient hand railing on each side, and in other respects strong and substantial for the safe and easy passage of all travellers, horses, cattle, hogs, carriages of every description, and such other commo-

Site of bridge and dimensions.

dity or things whatever, accustomed to pass on roads, and constructed in such manner as not to obstruct the fording or navigation of said creek.

To be erected
in two years.

SEC. 2. If the said Jacob Bales, his agent, heirs, and assigns, shall within two years, from and after the passage of this act, have erected and completed the said bridge in manner and form contemplated by this act, his heirs, assigns and representatives, may demand, ask, recover and receive, such toll as shall be ordered and allowed by the board doing county business for Monroe county, whose duty it shall be to fix the rates of such toll and regulate the same, from time to time.

Toll to be fixed by county
board.

County board
shall appoint
five commis-
sioners to ex-
amine bridge.

SEC. 3. That the board doing county business of said county, on the application of the said Jacob Bales, his agent, heirs and assigns, shall appoint five disinterested freeholders of said county, whose duty it shall be to examine said bridge, when the same shall have been completed, at the expense of said applicant, and if they shall certify that the said bridge is in every respect completed, as required by this act, it shall be lawful for the said Jacob Bales, his agent, heirs, representatives and assigns, to ask, demand, recover and receive, such toll as aforesaid, and to enjoy all the privileges, emoluments and advantages secured to them by this act, so long as they shall keep the same in good repair.

Bridge to be
kept in repair
and penalty
for failure.

SEC. 4. It shall be the duty of the said Jacob Bales, his agent, heirs and assigns, so long as they shall be entitled to receive toll at said bridge, to keep the same in good repair, and in default thereof, shall, on conviction thereof, before any justice of the peace, by action of debt, pay any sum not exceeding fifty dollars, at the discretion of the justice who tries the same, for the use of the county seminary of Monroe county; and shall be subject to similar conviction and liability, for every weekly continuance of such default, and shall moreover be liable to the action of the person aggrieved thereby.

Penalty for
excessive toll.

SEC. 5. If the said Jacob Bales, his agent, representative, heirs or assigns, shall ask, demand and receive, from any person or persons, any higher or greater toll than such as may be allowed and fixed as aforesaid, he or they shall forfeit and pay the sum of five dollars, to be recovered by action of debt, at the suit of the party aggrieved.

No other
bridge or ferry
within one
mile.

SEC. 6. No person shall be authorized, after said bridge shall be completed as aforesaid, to establish any ferry or bridge over said creek, within one mile of said bridge, for and during the time said bridge is kept in repair as a toll bridge: *Provided however,* That the said Jacob Bales, his heirs or assigns, or agent, shall not be authorized or allowed to erect or complete said bridge as aforesaid, or to ask, demand, recover or receive, such toll as aforesaid, until the

County board
shall first en-
ter assent to
building
bridge.

board doing county business for Monroe county, shall on application of said Jacob Bales, his agent, heirs, or assigns, at one of their regular sessions, enter their assent and permission thereto, in their proceedings.

This act to take effect and be in force from and after its publication.

CHAPTER VII.

An Act appropriating Money to erect a bridge over Lick Creek in Owen County, and for other purposes.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the sum of one hundred and twenty-five dollars, be, and the same is hereby appropriated out of the monies now in the hands of the agent of the three per cent. fund, to be expended in improving the above named road, for building a bridge on said road, across Lick creek in Owen county. Appropriation out of 3 per cent. fund

SEC. 2. That Alexander Eson of Owen county, be, and he is hereby appointed commissioner to draw the money and superintend the building of the above bridge. Said commissioner, before entering on his duty, shall take an oath or affirmation, before some person legally qualified to administer oaths, faithfully to discharge his duties, and give bond with approved security, to the board doing county business, to discharge his duties as herein required. Commissioner and his oath and bond.

SEC. 3. Said commissioner shall advertise as soon as may be, after his appointment, a plan of said bridge, and that he will receive sealed offers for building said bridge, at least two months previous to a certain day that he shall appoint, and that on said day, at the court-house in Spencer, he shall meet those persons making offers for said bridge, between the hours of ten A. M. and two P. M. Said commissioner shall open said sealed offers in presence of all present, and the person or persons making the lowest offer, shall have the building of said bridge, by his giving bond, with approved security for the faithful compliance with his contract. Should the person or persons making the lowest offer fail to give security as herein required, then the next lowest offer shall have the contract, by complying with the requisitions of this act. Plan and proposals.

SEC. 4. Said commissioner shall keep a correct account of all the money expended, and enter the same in a book to be by him kept for that purpose, and file a copy of the same with the clerk of Owen county. Said commissioner shall Undertaker's bond. Commissioner shall keep account and report to clerk.

His compensation.

Vacancy, how filled.

Out of what fund.

Commissioner on part of road, from S. line of Morgan to Port Royal.

Commissioner on part of road between Port Royal & Indianapolis. Bond of commissioners & appropriations, how drawn.

Agent of three per cent. shall pay over.

How expended.

Compensation to commissioners.

receive one dollar per day, for each day he shall necessarily be employed.

SEC. 5. Should the above commissioner be removed by death, resignation or otherwise, it shall be the duty of the board doing county business, to appoint a successor, by his complying with the requisitions of this act.

SEC. 6. The above money is to be taken out of the amount heretofore appropriated on the state road leading from the high banks of White river, to Indianapolis.

SEC. 7. *And be it further enacted*, That John Wishard of the county of Johnson, be, and he is hereby appointed a sole commissioner on so much of the said state road, leading from the high banks of White river to Indianapolis, as lies between the southern boundary line of Morgan county, and Port Royal in said county.

SEC. 8. That Robert Brenton of Marion county, be, and he is hereby appointed a sole commissioner on so much of said road as lies between Port Royal in Morgan county, and Indianapolis; and that when the said two commissioners have given bond and security, and taken an oath as prescribed by the second section of this act, they shall severally draw on said agent for the proportions due them on those parts of said road over which they are appointed commissioners, out of the fund now in his hands unexpended, which belongs to said road; which amount the said agent shall apportion and pay over to said commissioners, and a proportion of such further sums as may come into his hands hereafter by further appropriations or otherwise, which may belong to said road; and the said commissioners are hereby authorized to expend the several amounts due on each district, in any manner which they may deem most advantageous and useful to said road: and that said commissioners shall each be allowed one dollar for each day they may be necessarily employed in the improvement of said road.

This act to take effect and be in force from and after its passage.

CHAPTER VIII.

An Act supplemental to "An Act for the appropriation of Money, to aid in building a Bridge over Plumb Creek.

[APPROVED, DECEMBER 20, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That the commissioner who was appointed by an act entitled "An act for the appropriation of money to aid in

building a bridge over Plumb creek,"—approved, January 25, 1830, or his successor in office, is hereby authorized to select the site where said bridge shall be built, any where within half a mile of the place where the state road leading from Madison, by Vevay to Lawrenceburgh, crosses said creek, and to procure subscriptions for building the same; and the money appropriated by the before named act, shall be applied to the building said bridge, where such commissioner may select the spot, the same as though it had been built on the spot contemplated by the act to which this is a supplement. And the subscriptions that may be procured, shall be as valid and binding on the subscribers, as though said bridge should have been built where said state road crosses said creek: *Provided, however*, That if any person shall claim damage for the passage of a road over his or her land, to arrive at said bridge so contemplated to be built, no part of such damage shall be paid out of the said money so appropriated as aforesaid; but the same shall be paid either by subscription or as the board doing county business for the county of Switzerland may direct. This act to take effect and be in force from and after its passage.

CHAPTER IX.

An Act providing means to erect a Bridge over the West Fork of White Water river, at Connersville.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Edmund I. Kidd, Theodore R. Lewis and Meredith Helm, of Fayette county, are hereby appointed a board of trustees, to build a good and substantial bridge, with stone abutments, across the west fork of White-water river, at Connersville, opposite to lot number one, in that part of the town first laid out by John Conner, or as near thereto as circumstances and the public interest may require; and the said trustees are hereby authorized to purchase, or receive by donation, so much of the land on each side of the river, as may be necessary to carry into effect the provisions of this act.

SEC. 2. That the trustees aforesaid shall, before they enter upon the duties assigned them by this act, take an oath faithfully to discharge their duties as such trustees, and also give bond with security, to be approved of by the board doing county business, conditioned for the faithful performance of their duties as trustees as aforesaid.

May receive donations.

SEC. 3. That the trustees aforesaid, are hereby authorized to receive, by gift, grant, or donation, from any and every individual who may be willing to contribute any money, stone, timber, labour, or any material to aid in the erection of said bridge, and shall have power, in the name of the trustees of the white water bridge at Connersville, to collect, by suit or otherwise, all donations made as aforesaid, and apply the same to the erection of said bridge.

Appropriation of \$113 in hands of J Goodlander.

SEC. 4. That for the purpose of aiding in the building of said bridge, the trustees aforesaid, are hereby authorized to draw, and the agent of the three per cent. fund to pay, one hundred and thirteen dollars, it being part of the amount appropriated by the fifth section of an act entitled "an act to improve the navigation of Lost river, White-water river, and other streams therein named," approved, January 18, 1830, and placed under the control of Jacob Goodlander, of Fayette county; which sum has not been drawn and expended as directed by the said act.

County board may appropriate not less than \$300, from county funds and balance from 3 per cent. fund

SEC. 5. That for the purpose of carrying this act into effect, it shall and may be lawful, upon application by petition of the citizens of Fayette county, for the board doing county business for said county, to appropriate any sum of money, not less than eight hundred dollars, out of the county treasury, payable in two or three instalments, if considered most expedient by said board; and the board of trustees aforesaid, are hereby authorized to draw, and the treasurer of said county to pay the amount appropriated by said board doing county business, to be applied by said trustees in the erection of the bridge aforesaid; and upon application as aforesaid, the board doing county business may appropriate the whole or any part of the three per cent. fund, which may by legislative enactment be placed at the control of the board doing county business aforesaid, to be applied by the said trustees in building the bridge aforesaid.

Trustees shall give notice, receive proposals and let bridge.

SEC. 6. That whenever in the opinion of said trustees, a sufficient sum of money has been subscribed, including the amount appropriated by this act, to defray the expense of building said bridge, it shall be the duty of the said trustees, after giving four week's notice in the political Clarion, and such other notice as they may think necessary, to let out at public out-cry, at the court-house in Connersville, to the lowest and best bidder, the building of the said bridge, stating particularly the manner, the kind of materials to be used, and the time when the said bridge must be finished. And if the sum for which the same shall be bid off, be about equal to the available funds within the control of the trustees aforesaid, they shall enter into a written contract with the said lowest and best bidder, taking such security for the performance of said contract, as they may think necessary.

SEC. 7. That the said bridge, when completed, shall be and forever remain free for any and every person, their stock, vehicle, or any kind of property whatsoever, to pass and repass without fee or reward. Bridge shall be free.

This act to take effect and be in force from and after its publication in the Indiana Journal.

CHAPTER X.

An Act to raise additional Revenue for the County of Ripley.

[APPROVED, JANUARY 24, 1831.]

Be it enacted by the General Assembly of the state of Indiana, That the county commissioners of the county of Ripley, are hereby empowered and authorized, in addition to the existing tax, to levy a tax on the inhabitants of said county, not exceeding fifty cents on each poll per annum, on such persons as poll taxes are usually assessed upon, and on other property not exceeding one third of the state tax, in such proportion as in the estimation of said commissioners will raise a sufficient revenue to pay the debts of said county in three years; which money shall be applied to the payment of the debts of said county. And such tax shall not be continued after there is money enough levied, to pay said debts. Poll tax. Tax on property. Object of tax.

This act to take effect and be in force from and after its publication in the Indiana Journal.

CHAPTER XI.

An Act to authorize the Board of Justices of Dubois County to levy an additional Tax.

[APPROVED, DECEMBER 31, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the board of justices of Dubois county, should they deem it expedient, be and they are hereby authorized and required, to levy an additional tax on all persons and property subject to taxation in said county, which tax, if assessed, shall not exceed twenty-five cents annually, on each individual, as a poll-tax; and the tax thus assessed on real and personal property, shall not exceed one half of the amount of county tax assessed thereon, and for the privilege of vending thereof; which tax so assessed shall be collected in specie, and shall be by said board of justices, specially applied to discharge a debt which certain individuals are indebted to. Tax on persons and property. In specie.

Object of tax. duals, as securities for said county, have been compelled to pay.

Clerk shall carry out tax separately in duplicate and how collected and paid over.

SEC. 2. The clerk of the circuit court of said county, when he makes out the duplicate of the taxes assessed in said county, shall insert in a separate and distinct column, opposite the name of each individual, the amount of tax assessed by virtue of this act, which tax, in said column so inserted, shall by the proper collector of said county, be collected and paid into the county treasury, in specie, at the same time and under the same rules and regulations which are by law provided for collecting and paying over other county funds.

Tax to be kept separate from other funds, & how paid out.

SEC. 3. The treasurer of said county of Dubois, shall keep the funds, when thus paid over in specie, by virtue of this act, separate and distinct from the other funds of said county, and he shall pay the same in specie, to the order of said board of justices, under the same rules and regulations: and on failure shall be liable to the penalties which are provided by law in similar cases, in respect to other county funds.

Penalty on treasurer for failure.

SEC. 4. If the tax assessed and collected by virtue of this act, shall be found to exceed the amount necessary to discharge the aforesaid claim of one hundred and thirty-five dollars, against said county, the balance shall be applied to the use of said county, as other county funds are.

Surplus, how applied.

This act to take effect and be in force from and after its passage.

CHAPTER XII.

An Act for the Formation of the County of Grant, and for attaching certain Territory therein named.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That from and after the first day of April next, all that tract of country, included in the following boundaries, shall form and constitute a new county, to be known and designated by the name of the county of Grant, in memory of captain Samuel Grant and Moses Grant of Kentucky, who fell in a battle with the Indians, in the year seventeen hundred and eighty-nine, in that part of the state of Indiana now known as Switzerland county, to-wit: Beginning on the line dividing the counties of Madison and Delaware, three miles north of the township line, dividing townships twenty-one and twenty-two, in range 8 east; thence north to the corner of Delaware county;

Boundary.

thence east six miles to the range line, dividing nine and ten; thence north to the township [line] dividing townships twenty-five and six, in range nine east; thence west on said line to intersect a line ranging with the west side of Madison county, thence south twenty one miles; thence east to the place of beginning.

SEC. 2. That the new county of Grant shall, from and after the said first day of April next, enjoy all the rights and privileges, benefits and jurisdictions, which to separate or independent counties, do or may properly belong or appertain.

SEC. 3. That Charles W. Ewing of the county of Cass, James Scott of the county of Madison, William Edwards and William Hunt of the county of Randolph, and Peter Nolin of the county of Delaware, be, and they are hereby appointed commissioners agreeably to the act entitled "An act fixing the seats of justice in all new counties hereafter to be laid off." The commissioners aforesaid shall meet on the second Monday in May next, at the house of David Branson, in said county of Grant, and shall immediately proceed to discharge the duties assigned them by law; and it shall be the duty of the sheriff of Madison county to notify said commissioners either in person or by writing, of their appointment, on or before the fifteenth of April next, and for such service he shall receive such compensation as the board doing county business in said county of Grant, may, when organized, deem just and reasonable, to be allowed and paid as other county claims.

Commissioners.

When & where to meet.

Sheriff of Madison to give notice, & his compensation.

SEC. 4. The circuit court and the board of county commissioners, when elected under the writ of election from the executive department, shall hold their sessions as near the centre of the county as a convenient place can be had, until the public buildings shall have been erected; and the said commissioners shall each be entitled to the sum of one dollar and fifty cents per day for their services, whilst transacting county business.

Courts, where held.

Compensation to commissioners.

SEC. 5. The agent who shall be appointed to superintend the sale of lots at the county seat of said county of Grant, shall reserve ten per cent. out of the proceeds thereof, and pay the same over to such person or persons as may be appointed by law to receive the same, for the use of a county library.

Ten per cent. to be reserved.

SEC. 6. The county of Grant shall be attached to the fifth judicial circuit of this state, for judicial, and to the county of Delaware, for representative purposes.

Attached to 5 judicial circuit.

SEC. 7. That the strip of land lying between the north line of the county of Madison, and the south line of the said county of Grant be, and the same is hereby attached to the county of Madison.

Territory attached to Madison.

SEC. 8. All the territory north of the counties of Ran-

Territory attached to Randolph & Delaware.

To Allen.

To Grant.

To Cass.

To Warren.

To Carroll.

To Elkhart.

To St. Joseph
Attached territory, shall form part of counties respectively.

dolph and Delaware, to the line dividing townships twenty-five and twenty-six, is hereby attached to said counties respectively; and all the territory north of said line and east of range nine, to the northern line of the state, shall be attached to the county of Allen; and all the territory north of the county of Grant, to the line dividing townships thirty and thirty-one, shall be attached to said county; and all the territory north of Cass county and the great Miami reservation to the line aforesaid, shall be attached to said county; and all the territory north of Warren to the line aforesaid, shall be attached to said county of Warren; and the territory north of Tippecanoe and Carroll, to said last mentioned line, shall be attached to the county of Carroll; and all the territory east of the line dividing ranges three and four east, not otherwise attached, shall be attached to the county of Elkhart; and the territory west of said line, shall be attached to the county of St. Joseph.

SEC. 9. The territory by this act attached to the said several counties, shall form and constitute a part of the counties to which the same is attached, until otherwise provided by law; and the citizens residing in said attached territory shall enjoy all the rights and privileges of the citizens of the county to which they are attached.

This act to take effect and be in force from and after its passage.

CHAPTER XIII.

An Act to provide for the location of the Seat of Justice of Fountain county.

[APPROVED, JANUARY 29, 1831.]

Commissioners and their duties.

When to meet

Oath of commissioners

Donation to be procured.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Reuben Reagan of Putnam county, Joseph Potts of Parke county, George W. Bennfield of Montgomery county, Zebina Babcock of Clinton county, and Thomas J. Matlock of Hendricks county, be and they are hereby appointed commissioners, to re-locate and establish the seat of justice of Fountain county, on the first Monday in June, or some day thereafter that a majority of them may agree upon, said commissioners being notified of the time and place of meeting by the sheriff of Fountain county; which commissioners when so met, and being duly sworn, faithfully and impartially to discharge the duties assigned them by this act, shall examine into the situation of said county, and if a donation can be procured, which, in the opinion of said commissioners, will, with the probable a-

mount of the sale of lots to arise from the sale of lots at such new county seat, be sufficient to defray the expenses of erecting public buildings, equal in value and convenience to those already erected in the town of Covington, and also to pay the damages that may be assessed by the commissioners appointed in the third section of this act, and if in their opinion it will be more to the advantage of the people of said county, they shall procure said donation to be made, and shall then proceed to re-locate the seat of justice of said county.

SEC. 2. If the commissioners aforesaid, shall re-locate the seat of justice of said county, it shall be the duty of the agent of said county to lay off said town, on a plan as near as may be, corresponding with the town of Covington, and with a corresponding number of lots; and any and every person who shall or may have purchased of said county, or the authorized agent thereof, and have paid for any lot or lots, in whole or in part, on completing the payment of the same in the town of Covington, shall have the privilege of changing the same, for other lot or lots correspondingly situated and numbered in the new town that may be laid off by said commissioners, by filing and acknowledging, before the recorder of said county, an application for such exchange; and the same shall be entered on record by the said recorder at the expense of said county; which person shall pay to the recorder therefor, the sum of fifty cents, and the same shall have the effect of an absolute release of all the right, title and interest of such applicant, of, in, and to such lot or lots; and it shall be the duty of the agent, on being presented with the recorder's certificate of such relinquishment, on application, to give to the applicant a good and sufficient general warranty deed, for the lot or lots in the new town, which shall be in corresponding number with the lot or lots relinquished in the town of Covington: *Provided*, That the application for such exchange be made before the agent may have sold such lot or lots corresponding with said application; and it is further provided, that nothing in this section shall be so construed as to prevent said commissioners from re-locating said county seat, in any town that is now laid off in said county, or that may hereafter be laid off, provided that in all cases a donation equal to the objects before mentioned, shall have been secured.

SEC. 3. That Peter Hughes of Tippecanoe county, Peter Rush of Vermillion county, and Thomas Brown of Montgomery county, are hereby appointed commissioners, to meet at Covington on the first Monday of May, or as soon thereafter as may be agreed on by a majority, to make an estimate of the value of each and every lot in the town of Covington, sold as aforesaid by said county or its agent, on

New town, how laid off, and lots to be selected by owners of similar lots in Covington.

Application for lots, how made and recorded.

Agent shall make deed.

County seat may be located in any town.

Commissioners appointed to value lots in Covington

which any building or buildings are erected, or other improvements made; also of each and every lot or lots sold as aforesaid, which is without improvement, and they shall make an estimate of how much less valuable said property will become by the removal of the seat of justice therefrom, which they shall certify to the board of commissioners of said county, under their hands and seals; and the said board of commissioners of said county, shall cause such certificate to be entered in their records, and shall also cause the difference in the value of said property so certified, to be refunded to the owner or owners of said property, his or their legal representatives; and the commissioners hereby appointed, before they proceed to make the estimate and valuation as above mentioned, shall be duly sworn, faithfully and impartially to discharge their duties; and in all cases a majority of them shall have full power to act.

Difference in value to be paid.

Public buildings to be erected and offices removed.

Sheriff to notify commissioners.

SEC. 4. As soon as the board doing county business shall be satisfied that suitable public buildings are procured for holding courts, and the transaction of other county business; they shall direct the clerk of the circuit court, recorder and treasurer of said county, to remove their offices to the new seat of justice; and from that time the circuit and all other courts of said county, shall be held there, and the seat of justice shall forever remain at the new site.

SEC. 5. It shall be the duty of the sheriff of Fountain county, to notify the commissioners aforesaid, of the time and place hereby appointed for their meeting, for which service he shall be allowed by the board doing county business, a reasonable compensation; and the said commissioners shall be compensated, and in all respects governed by the provisions of an act to establish seats of justice, in new counties, approved, January 14, 1824, so far as the same may not contravene the provisions of this act.

Vacancy in office of commissioner, how filled.

SEC. 6. It is hereby made the duty of the sheriff of Fountain, within fifteen days after the first day of March next, to notify the commissioners, named in the third section of this act, to meet at the clerk's office in Covington, or at the court house, in said town, on the first Monday in May next, to perform the duties set forth in the third section of this act. If any of said commissioners shall refuse to serve or neglect to attend, it shall be the duty of the board doing county business, in the county of Fountain, to fill such vacancy, and the sheriff to notify such commissioner or commissioners of their appointment, and the day on which they are to meet, which day may be fixed by said board, who shall allow said sheriff and commissioners a reasonable compensation for their services.

Ten per cent. to be reserved. SEC. 7. The agent of said county shall reserve ten per cent. out of the proceeds of the sale of such lots as may be

sold for the use of said county, at the said re-located county seat, for the use of a county library, which shall be paid over in the same manner as is now provided for by law.

CHAPTER XIV.

An Act supplemental to an act entitled "an act to provide for the re-location of the Seat of Justice of Fountain county," passed at the present session of the General Assembly.

[APPROVED, FEBRUARY 10, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That the act entitled "an act to provide for the re-location of the seat of justice of Fountain county," passed at the present session of the general assembly, shall take effect and be in force from and after its publication in the Indiana Journal.

This act to take effect and be in force from and after its passage.

CHAPTER XV.

An Act to Re-locate the County Seat of St. Joseph County.

[APPROVED, FEBRUARY 1, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Absalom Holcomb and William N. Hood of Allen county, John Scott of Cass county, Chester Sage and John Jackson of Elkhart county, are hereby appointed commissioners to review, and should they judge expedient, to re-locate the county seat of St. Joseph county. The said commissioners shall convene at the house of William Brookfield, in the said county of St. Joseph, on the second Monday of May next, and shall immediately proceed to discharge the duties assigned them by law. It is hereby made the duty of the sheriff of Allen county, to notify the said commissioners, either in person or by written notification, of their appointment, on or before the first day of May next; and the said sheriff shall receive from the said county of St. Joseph, so much as the county commissioners of said county shall deem just and reasonable, who are hereby authorized to allow the same out of any monies in the county treasury, in the same manner as other monies are paid.

Commissioners and their duties.

Where and when to meet.

Sheriff of Allen shall give notice and his compensation

SEC. 2. Should said commissioners, after examination of the present seat of justice of said county, be of opinion that

How commissioners shall be governed.

the public interest demands a removal or re-location of said seat of justice, they shall then proceed and be governed in all respects by the law forming said county of St. Joseph, as though they had been appointed to fix the said county seat, at the formation of said county.

County officers, how governed in case of re-location

SEC. 3. That the county agent and all other officers within the said county, when the county seat is hereby relocated, shall be governed in all respects by the law forming said county, as though the county seat had been satisfactorily fixed by the first commissioners appointed for that purpose.

Donations for present county seat to be re-assigned to donors.

SEC. 4. Should the commissioners hereby appointed, fix the county seat at any other place than that fixed by the former commissioners, then the said county commissioners shall deliver over to William Brookfield, and to all other persons who may have donated to said county, all monies, lands, and other effects which they may have given to said county, as a consideration for said county seat.

This act to take effect and be in force from and after its passage.

CHAPTER XVI.

An Act for the Re-location of the County Seat of Elkhart county.

[APPROVED, FEBRUARY 10, 1831]

Commissioners.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That L. Thompson and A. L. Davis of Allen county, and Hiram Todd and Walter Wilson of Cass county, be, and they are hereby appointed commissioners to relocate the seat of justice within the county of Elkhart.

When and where to meet and their duty

SEC. 2. The commissioners above named, shall meet at the mouth of the Elkhart river, on the third Monday of March next, and shall immediately proceed to discharge the duties of their appointment; and if on examination, said commissioners shall be of opinion that the public interest demands a re-location of said county seat, they shall proceed to perform said duty, being governed in all respects by the laws now in force on that subject.

Sheriff of Elkhart shall give notice, & his compensation

SEC. 3. It is hereby made the duty of the sheriff of Elkhart county, to notify the said commissioners, either in person or by written notification of their appointment, on or before the tenth day of March next; and the said sheriff of Elkhart county, shall receive from the said county so much as the board doing county business for said county shall deem just and reasonable, who are hereby authorized to al-

low the same out of any monies in the county treasury, in the same manner as other monies are paid.

SEC. 4. The county agent of Elkhart county, together with all other officers of the said county, shall govern themselves, relative to said county, by the law forming the counties of St. Joseph and Elkhart, approved, January 29, 1830.

County officers to be governed by the law forming counties of St. Joseph and Elkhart.

CHAPTER XVII.

An Act to authorize the Judges of the Carroll Circuit Court to hold a Special Session.

[APPROVED, FEBRUARY 5, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the judges of the circuit court of the county of Carroll, be, and they are hereby authorized to hold a special term of the Carroll circuit court, in the month of February, 1831, as shall be appointed and fixed upon by the sheriff of said county of Carroll, for the trial of James Clark, now in custody of the sheriff of said county on a charge of forgery.

Sheriff shall fix day of trial in February.

SEC. 2. It shall be the duty of the sheriff of Carroll county, when he shall appoint and fix upon a day for holding such special term of the Carroll circuit court, forthwith to give notice to the accused, and to the clerk and judges of said Carroll circuit court; and such special session shall be governed in all respects by the laws relative to the practice in the circuit court, and shall adjourn from day to day, until the said trial shall be ended; and the clerks, judges, sheriffs, and all other officers concerned, shall be governed by the provisions of an act providing for called sessions of the circuit courts, approved, February 12, 1825; and the judges shall appoint some suitable person as an attorney of the state, should the circuit prosecutor be absent.

Shall notify cl'k & judges.

Trial, how governed.

Judges may appoint prosecuting att'y.

This act to take effect from and after its passage.

CHAPTER XVIII.

An Act to dissolve the Bands of Matrimony between Daniel Bilderback and Abigail his wife.

[APPROVED, FEBRUARY 1, 1831.]

Be it enacted by the General Assembly of the state of Indiana, That the bands of matrimony heretofore existing between Daniel Bilderback and Abigail his wife, are hereby dis-

solved, and that the bands of matrimony now existing between James Leonard and Abigail his wife, of Deaborn county, are hereby legalized and confirmed to all intents and purposes.

This act to take effect and be in force from and after its passage.

CHAPTER XIX.

An Act to provide for semi-annual Fairs in the Counties of Floyd and Switzerland.

[APPROVED, JANUARY 8, 1831.]

Preamble.

Whereas, it has been represented to this general assembly, that inconveniences exist in the county of Floyd, for the want of regular, established market days, for the purchase, sale and exchange of cattle, sheep, hogs, horses, and other products of husbandry. For remedy whereof,

Trustees of New-Albany may hold fairs and for what purpose.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the trustees of the town of New-Albany in Floyd county, be, and they are hereby authorized to hold in the said town of New-Albany, semi-annual fairs, for the sale or exchange of cattle, sheep, hogs, horses, and other products of husbandry.

Tax to defray expenses.

SEC. 2. And to defray the expenses of holding said fairs, the said trustees shall have power to levy and collect a tax of twelve and a half cents on each horse, six and a fourth cents on each head of cattle, and one cent on each sheep or hog, sold or exchanged at the said fairs, and not on any other.

Trustees shall appoint the day or days and give notice.

SEC. 3. The trustees of the town of New-Albany, shall appoint the day or days, on which the said fairs shall be held, of which four weeks notice shall be given by advertising the same in some public newspaper, if any be printed in the county, if no public paper be printed in the county, by setting up written notices, one in the most public place in each township.

Fairs in Switzerland county.

SEC. 4. That there shall be two fairs in each year, in the county of Switzerland, for the sale and exchange of the various agricultural products of said county, to be holden at the county seat, on such days and times as the board doing county business for said county may direct, of which time it shall be the duty of said board to give three weeks public notice, previous to said meetings, in some public newspaper, if any be printed in said county, if no paper be published in said county, then three weeks public notice by three written advertisements to be put up at three of the

County commissioners shall appoint day, and give notice.

most public places in said county. There shall be no tax, toll or duty to be paid, by either buyer or seller, at any such fair in the county of Switzerland. No tax.

This act to take effect from and after its publication in the Indiana Journal.

CHAPTER XX.

An Act to Incorporate the Lawrenceburgh Bridge Company.

[APPROVED, JANUARY 24, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the stockholders of the Lawrenceburgh bridge company, as is herein after provided, be, and they are hereby made in law and equity, a body corporate and politic, and as such, may sue and be sued, plead and be impleaded, answer and be answered unto, and do and transact any business that an individual or individuals, or bodies corporate or politic, may or can do, subject to the rules and limitations hereinafter provided. Stockholders incorporated.

SEC. 2. The capital stock of said company shall consist of thirty-five hundred dollars, to be divided into seven hundred shares, of five dollars each; and may, if the trustees of such company think necessary, be increased to five thousand dollars, the balance to be divided in like manner, into shares of five dollars each. Capital stock, and shares.

SEC. 3. Each person who has subscribed to aid in building the bridge over Tanner's creek, near Lawrenceburgh, shall be entitled to as many shares of stock in said company, as the amount paid to the trustees heretofore appointed to contract with some person or persons to build said bridge, or to Phiney and Spooner or either of them, as undertakers to build said bridge, shall entitle him or her to; and in all cases, where any person has paid the fraction of a share, such person shall be permitted to pay the balance on such share, and have the same; and Jeremiah Phiney shall be entitled to as many shares as the amount he has expended on said bridge, over the amount received, from what has been paid by subscribers, shall entitle him to; and an estimation of his expenses shall be made by suitable persons, to be agreed upon between him and the trustees of said company, or should they disagree, by such persons as the board doing county business in Dearborn county, may appoint for that purpose, due consideration being had to time, hire of labourers, materials, extra expenses, on account of disappointments in not receiving his pay according to contract, so as to do both parties justice, according to the right of the case: *Provided how* Subscribers to Tanner's Creek Bridge shall be shareholders. J. Phiney may take shares, & his expenses how adjusted, &c.

ever, That any citizen of Dearborn county, shall have the privilege of taking stock in said company, by subscribing and paying for the same, at any time previous to the first day of May, so as to reduce the shares of said Phiney, to a number not to exceed the highest number of shares held by any other person in said company.

Trustees, how elected, and quorum.

SEC. 4. The affairs of said company shall be managed by seven trustees, a majority of whom shall form a quorum to do business, to be elected by the stockholders on the first Monday of May next, and on the first Monday of May annually thereafter: and the trustees when elected, shall serve one year, and until successors are chosen and qualified to take their places; and should there be any vacancy among said trustees, by death or otherwise, the remaining trustees shall fill such vacancy at their next meeting. And until the first election to be held by said company, the following persons are hereby authorized to act as such, viz: Oliver Heustis, Mark McCracken, Jeremiah Phiney, William S. Durbin, Amos Lane, Jabez Percival and William Tate, a majority of whom shall be sufficient to transact business.

Vacancies, & filled.

First board.

Trustees may make by-laws &c.

Appoint officers & agents.

When bridge is completed toll gate may be erected & rates of toll.

Penalty for detention of passenger.

Records of company to be kept.

SEC. 5. To aid in the transaction of their business, the trustees shall have power to make all such rules and regulations or by-laws as they shall deem necessary to carry into effect the provisions of this act, and to appoint all officers and agents they may find it necessary to employ; and when the interest of the company requires it, to remove them and appoint others in their places.

SEC. 6. As soon as the bridge now building over Tanner's creek, near Lawrenceburgh, shall be finished, or made ready for passengers to pass over thereon, the trustees of said company are hereby authorized to erect a toll-gate on said bridge, and by their agent appointed for that purpose, to demand and receive from every person who may wish to pass over said bridge, toll, at the rate such trustees shall think proper: *Provided*, it shall not in any case exceed the rate allowed by the board doing county business, to ferry-men for carrying passengers or any species of property over said creek in their boats; and said company, for detaining any passenger who may wish to cross, or neglecting to keep said bridge in a proper state of repair, shall be liable to the same penalties and damages that ferry-men shall be liable to, for failing to keep proper or suitable boats, watermen, &c. And at all times in the night, when there is no person in attendance at the gate, it shall be left open.

SEC. 7. Said company shall cause a record of their proceedings to be kept in a book to be provided for that purpose, which shall always be open to the inspection of any person or persons, the board doing county business may ap-

point for that purpose; and in some proper place in said book they shall cause an entry to be made of the amount of their stock, and by whom held; and at the end of each quarter of a year, when they shall make a dividend of the nett proceeds of the tolls taken at said bridge, they shall credit said stock with such amount, and as soon as the amount so collected shall be sufficient to refund the capital stock of said company, together with ten per centum per annum thereon, then said bridge shall vest in the county of Dearborn, to be under the control of the board doing county business, or their authorized agent; but no toll shall ever be demanded or taken thereat by said board, for any other purpose than keeping said bridge in repair, or for improving roads, or building and repairing bridges in said county.

SEC. 8. Each stockholder shall be entitled to such proportion of the dividends made by said company, as the amount of his stock bears to the whole amount paid in, which sum shall be paid to him at the office of the company, at any time when demanded, after ten days from the making such dividend.

SEC. 9. Dividends of all the nett proceeds of said company, shall be made quarter yearly, on the second Monday of May, August, November and February.

SEC. 10. In all elections held by said company, each person shall be entitled to as many votes, as he holds shares of stock in said company: *Provided*, no one person shall have more than twenty votes.

SEC. 11. It is to be understood that the right of the company consists in a lien on said bridge, until they are paid the amount expended in the purchase of stock, with interest, as above; and that any person for an injury done to said bridge or its appurtenances, or for any obstruction placed in the way of travelling, shall be subject to the same penalties for like offences on any other bridge or part of the public highway, and shall moreover be liable to the company for double the amount it may cost to repair the same or remove such obstruction, with cost of suit, to be recovered on conviction thereof, before any court competent to try the same.

SEC. 12. But it is hereby understood and declared, that no citizen of the said county of Dearborn, who may have to attend the probate or circuit courts of said county, as a suitor or a witness, or a grand or petit juror, shall in going to or returning from such courts, when in session, be liable to pay any toll for passing over said bridge; nor shall any toll be demanded or received of any inhabitant of said county on the sabbath day, going to or returning from divine worship; nor of any legal voter of said county on the first Monday of August, in going to or returning from the

Books.
Dividends.
When bridge yields capital and 10 per cent it shall vest in the county.

Stock, how divided and paid.

Quarterly dividends.

Votes of shareholders.

Penalty for injuring or obstructing bridge.

Who may toll free.

Penalty for
falsely claim-
ing exemption

Penalty for
collecting
from those ex-
empt.

Capital and
shares.

Corporate
name and
powers.

al.

7 laws.

oviso.

place of the annual election; nor from any man of said county, when going to or returning from any militia muster, drill, training, review or inspection, which by law he may be bound to attend. And each and every person who may claim the above exemptions, who are not by this section entitled thereto, shall be liable to pay double toll, together with costs of suit. And each and every person who shall be entitled to such exemption, and shall claim the same, and shall be made to pay the tolls as though they were not so exempt, shall be entitled to recover back double the amount of such toll improperly demanded and paid, together with costs of suit.

CHAPTER XXI.

An Act to Incorporate the Madison Insurance Company.

[APPROVED, JANUARY 26, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That there shall be, and hereby is, established in the town of Madison, an insurance company, with a capital stock of one hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for, by individuals, companies or corporations, in manner hereafter specified; which stockholders and subscribers, and their successors, shall be and hereby are created a body politic and corporate, with perpetual succession, by the name and style of "the Madison Insurance Company," and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate, as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company, for the security or in payment of any debt which may become due and owing to the same, or in satisfaction of any judgment of a court of law, or any order or decree of a court of equity in their favor; and may have and use a common seal, and the same alter, change, break and renew at pleasure, and may also make, ordain and establish, and put in execution, such by-laws, ordinances rules and regulations as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs: *Provided*, That no by-laws, ordinances, rules or regulations of said company, shall in any

wise be contrary to the constitution and laws of this state, or of the United States.

SEC. 2. That said corporation shall have full power and lawful authority, to insure all kinds of property against loss or damage by fire, or any other cause or risk, to make all kinds of insurance against loss or damage, on goods, merchandize and produce, in the course of transportation, whether on the land or on the water, and any vessels or boats, wherever they may be, to make all kinds of insurance upon life or lives, to lend money on bottomry and respondentia, to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime, or other risk, upon the interest which they may have in any vessel, boat, goods, merchandize or other property by means of any loan or loans which they may make on mortgage, bottomry and respondentia, and generally, to do and perform all other necessary matters and things connected with, and proper to promote these objects.

SEC. 3. That it shall be lawful for said company, to invest any part of their capital stock, monies, funds, or other property, in any public stocks or funded debts, created or to be created by or under any law or laws of the United States, or of this or any other particular state, or in the stock of any chartered bank in this state, of the United States, and the same to sell and transfer at pleasure, and again to invest the same or any part thereof, in such stocks or funds, whenever and so often as the exigencies of said corporation, or a due regard to the safety of its funds may require, or they may loan the same, or any part thereof, to individuals or public corporations, on real or personal security, for such periods of time, and under such restrictions and limitations, as the directors thereof, for the time being, shall deem prudent and best for the interest of said company: *Provided*, That it shall not be lawful for said corporation, to use or employ any part of their capital stock, money, or other funds, in buying or selling goods, wares or merchandize, nor shall said corporation issue or emit any bills of credit, as a circulating medium of trade or exchange, nor in any manner engage in the business or operations of banking, otherwise than in the purchase and sale of bank stock as aforesaid, nor make any contracts in writing, except under the seal of the corporation, for the payment of money, other than such as may be contained in their policies of insurance.

SEC. 4. That the real and personal estate, business, property, funds and prudential concerns of said corporation, and the administration of its affairs, shall be under the management, direction and control of a board of nine directors, who shall be stockholders and residents within this state,

Insurances.

May invest
monies in
stock or funds

May loan mo-
ney.

Restricted
from mer-
chandizing,
issuing bills of
credit, bank-
ing powers, &c

Directors, how
& when elect-
ed, term of
office.

Notice of election.

Who shall vote, and how

Directors may be elected at any other time.

President.

Vacancies.

Secretary and other officers, their compensation & tenure of office.

Rules and regulations.

Stated meetings.

and citizens of the United States, and after the first election they shall be elected by the stockholders on the second Monday in October, annually, at such time of day and at such place in the town of Madison, as said directors for the time being shall direct; they shall hold their offices for the term of one year and until their successors shall be chosen; and notice of such election shall be advertised and published, for three weeks next preceding the same, in a newspaper printed in said town; and such election shall be by ballot, and a plurality of votes received and counted in public, by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose; and at every such election, and at all other meetings of the stockholders, held under the provisions of this act, each shall be entitled to one vote for each share; any stockholder not personally attending such election or other regular meeting of the stockholders, and having a right to vote, may vote by proxy, such proxy being granted to a stockholder present at such election or meeting; and in case it should so happen that an election of directors should not be made on any day when by this act it ought to have been made, it shall and may be lawful for said company, to make an election for directors on any other day, in such manner as may be provided for by the by-laws and ordinances of said corporation.

SEC. 5. That the directors duly chosen under the provisions of this act, shall as soon as may be, after the first, and every annual election, elect from their own body a president, who shall preside in the board until the next annual election, and in case of his death, resignation or absence, the board shall appoint a president *pro tempore*; they shall fill all the vacancies which may occur in their own body, during the time for which they shall be elected, and shall appoint a secretary and all subordinate officers, clerks, agents and servants of said corporation, fix their compensation, define their powers and prescribe their duties, who shall hold their several offices during the pleasure of the board, under such regulations, restrictions and limitations, not inconsistent with the provisions of this act and the by-laws, rules and ordinances of said company, as the directors for the time being shall prescribe; they shall make such by-laws, rules and regulations, for their own government, and for the management and disposition of the stock, property, estate, funds and business of said company, and all matters referring thereto, as shall be needful and proper, not contrary to the provisions of this act, and the by-laws, rules, ordinances and regulations adopted at any regular meeting or meetings of the stockholders. They shall hold stated meetings, agreeably to their own regulations, and at such

other times, as the president thereof, for the time being shall order and direct; and a majority of the whole number shall constitute a quorum, and be competent to the transaction of business within the scope of their powers and connected with their duty; and all questions before the board shall be decided, *viva voce*, by a majority of the directors present, any two of whom may require the yeas and nays, to be taken on any proposition submitted, and entered in the journal of their proceedings, and no vote shall be reconsidered by a less number than were present and voting when the original vote was taken. They shall in the first week in January and July, annually, make and declare such dividends of the profits resulting from their business, as shall not impair nor in any wise lessen the capital stock of the same, and cause the same to be paid to the several stockholders: *Provided*, That no such dividend shall be paid, on any stock that has not been fully paid for, but shall be passed to the credit of such stock, as part payment thereof.

SEC. 6. That all policies of insurance, which may be made or entered into by said corporation, shall be subscribed by the president or president *pro tempore*, or by such other officer as shall be designated for that purpose by its by-laws, and attested by the secretary; and being so signed and attested, shall be binding and obligatory on the said corporation, without the seal thereof, according to the true intent and meaning thereof; and all such policies or contracts may be entered into and so signed and attested, and the business of the corporation may be carried on without the presence of the board of directors, by the president and secretary, subject nevertheless to the by-laws, rules, ordinances and regulations established by the board of directors. It shall be the duty of the secretary, at every annual election, or other general meeting of the stockholders, to lay before them a correct and particular statement of the condition and affairs of said company.

SEC. 7. That the stock of said company shall be assignable and transferable, on the books of the same, or otherwise, according to such rules and by-laws, and subject to such restrictions and limitations as may be established by the directors: and all such stock shall be held and considered as personal property.

SEC. 8. That any number of stockholders who shall at the time be the owners of one fifth part of the stock sold, shall have power to call a general meeting of the stockholders, by giving two weeks notice in some newspaper printed in said town, of the time and place of such meeting; and the stockholders present in person or by proxy, at any such meeting, shall decide all questions proposed for consideration, by a plurality of votes, each share counting one

Quorum.

Questions, how determined and recorded.

Dividends.

Policies, how issued and attested.

Business may be done by president and secretary. Secretary shall report state of affairs at each annual election. Stock assignable and considered personal property.

Stockholders may call general meetings, & what business may be transacted at such meeting.

vote; and may make and prescribe such by-laws, ordinances, rules and regulations as to them shall appear needful and proper, in relation to the management of the affairs of the company, or for the government and direction of the officers thereof.

Subscriptions where to be opened.

Commissioners.

Notice.

Who may subscribe and amount to be paid at the time.

400 Shares being subscribed officers may be elected.

Commissioners shall pay over money to board of directors.

No policies to be made until full amount of stock is paid in.

Stockholder failing to pay, forfeits amt. paid.

400 Shares to be paid before company shall commence business.

Balance of stock may be offered.

SEC. 9. That books for the subscription to the capital stock of said company shall be opened in the town of Madison, by and under the direction of John King, William Dutton, William J. Lodge, George W. Leonard, John Alling, Howard Watts, and Robert Craig; who are hereby appointed commissioners for that purpose, whose duty it shall be, or any three of them, to give notice of the time and place of opening books for subscription, in a newspaper printed in said town; and it shall be lawful for any individual, company or body corporate, to subscribe for any number of shares; and such individual, company or body corporate, shall at the time of subscribing, pay to the said commissioners one dollar on each share so subscribed; and it shall be the duty of said commissioners, as soon as four hundred shares are subscribed, to give two weeks notice in some newspaper printed in said town, of the time and place for the stockholders to meet and elect the first board of nine directors; which election shall in all respects be governed by the provisions of this act for the election of directors; and the board of directors thus elected, shall constitute the first board, and shall continue in office until the next annual election.

SEC. 10. That as soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to said board of directors, all monies that may be in their hands belonging to said company, and deliver over to them all books and papers belonging to the same; and it shall be the duty of the directors, before they proceed to make any policies of insurance, to demand and receive of each stockholder the full amount of the stock by them respectively subscribed, which payment shall be made either in cash, or secured to be paid by giving real or personal security to the satisfaction of the directors; and if any stockholder shall fail to make such payment, or give such security as aforesaid, within thirty days after the election for directors, such stockholder shall forfeit to the company the amount paid on such stock at the time of subscribing: *Provided*, That the said corporation shall not commence business, or grant any policies of insurance, until four hundred shares are subscribed and paid for, or secured to be paid as aforesaid, it being one-fifth of the capital stock. All the remaining balance of the stock shall be offered for sale at such time and place, and on such terms as the directors for the time being, may from time to time direct.

SEC. 11. That when said corporation shall have commenced business as aforesaid, and shall grant any policy or policies of insurance on any kind of property, real or personal, against loss or damage by fire, or any other cause or risk, on any goods, merchandize or produce, whether on the land or on the water, on any vessels or boats whatever, and wherever they may be, on life or lives, or shall lend any money on bottomry and respondentia, or shall become the under writer of any foreign or domestic bill of exchange, bond, note or obligation, it shall be lawful to charge such rate of premium or interest, as may be agreed upon by the parties.

SEC. 12. That whenever any property, real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vender or venders to assign such policy to the vendee or vendees of such property, and such assignee or assignees shall have the full benefit thereof: *Provided*, That before any loss happens, notice shall have been given said company of said assignment; and provided that said company, when so notified, shall be at liberty to return a ratable proportion of the premium, and thereupon be exonerated.

SEC. 13. That whenever said corporation shall be notified of any loss sustained or incurred, on any policy of insurance granted or issued by the same, it shall be the duty of said corporation to pay the amount so lost or incurred on such policy, within sixty days after being so notified: *Provided*, there shall have been no violation of the conditions of the policy on the part of the insured; and on all judgments obtained by said corporation, there shall be no stay of execution. The stockholders may at any regular meeting either increase or diminish the number of directors: *Provided*, That there never shall be more than thirteen nor less than five.

SEC. 14. This act shall be in force from and after its passage, and shall be deemed and taken to be a public act, and shall be construed favorably for every beneficial purpose.

CHAPTER XXII.

An Act to Incorporate the Wabash Insurance Company.

[APPROVED, DECEMBER 29, 1830.]

Whereas, Samuel Smith and Samuel Judah, and their associates, have prayed for an act of incorporation, as a company, under the name of "the Wabash Insurance Com-

Rate of premium or interest.

Policy on property sold, may be assigned.

Notice of assignment shall be given and policy may be cancelled.

In case of loss amount insured, shall be paid in sixty days after notice. Proviso.

No stay on judgment in favour of company. No. of directors may be altered.

Public act.

Preamble.

pany," for the purpose of insuring against loss or damage by fire, and by inland navigation; therefore,

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Samuel Smith, Samuel Judah and their associates, associated by subscription, as hereinafter named, are hereby created, a body corporate and politic, by the name of "the Wabash Insurance Company," and by such name, they and their successors shall have continual succession, and shall be in law, capable of suing and being sued, in all courts, in all manner of actions or suits, and of contracting and being contracted with, relative to their funds and property, and to the business and purposes of the said corporation; and they shall have a common seal, and may alter the same at their pleasure.

SEC. 2. That the said corporation, shall have power and authority to make contracts of insurance, with any person or persons, body corporate or politic, against loss by fire, of any houses or buildings, and of any goods, chattels, machinery, merchandize, or personal estate whatever, and against any loss or damage, by inland navigation, whether on the waters of this state or not, for such space of time within the limitation of this act, and for such premium or consideration, and under such modifications and restrictions, as may be agreed on by said company and the assured.

SEC. 3. The capital stock of said company, shall be one hundred thousand dollars, which shall be divided into shares of one hundred dollars each; and it shall not be lawful for said company, to make any contract of insurance, until one fifth part of the whole amount of said capital stock shall have been subscribed and paid for, or secured to be paid by mortgages upon real estate, of at least fifty per cent. above the value for which the same shall be so mortgaged, exclusive of buildings, unless the same shall be insured, or by public stocks of the United States, or of this state, or by the stock of any bank of the United States or of this state, if the stock of said bank be at the time above par value in market; and any mortgages taken as aforesaid, shall remain a lien on the estates mortgaged, until the amount thereby secured shall have been actually paid into the funds of the said company; and the funds of the said company shall be invested, from time to time, in the public stocks of the United States, or of this state, or loaned upon bond, or mortgage of real estate, of at least double the value of the amount loaned thereon, exclusive of buildings, unless the same be insured, and upon such terms, as to the amount of premium to be paid for such loan, as to the time or times of paying such premium or interest, and as to the duration of such loan, as may be agreed upon by said company, and the person or persons to whom such loan may be made.

Corporate
name and
powers.

Seal.

Insurances

Capital stock
and shares.

One fifth to be
paid in or se-
cured before
any insurance

Funds of the
company may
be invested, or
loaned.

SEC. 4. It shall be lawful for the said company, to purchase and hold such real estate, as may be necessary for the transaction of their business, and to take and hold such real estate, or such securities as are specified in this act, *bona fide* mortgaged or pledged, as is herein before specified, and to proceed in such mortgages, or other securities, for the recovery of the money secured, in the same manner as any natural person is or may be authorized to do in like cases; and on any sale by virtue of any judgment, order or decree, of any court, upon any proceeding in the name, or for the use of said company, to purchase, take and hold, any real or personal estate whatever; or at any time in payment or towards the satisfaction of any debt due said company, to receive any such real or personal estate, and the same to hold until they can conveniently and advantageously sell and convert the same into money: *Provided always,* That nothing in this act, shall authorize the said company to receive money by way of deposit, to circulate promissory notes, or to exercise any other banking powers whatever, or to deal in any goods, wares or merchandize, in the way of traffick.

SEC. 5. The stock, property, affairs and concerns of the said company, shall be managed by fifteen directors, who may hold their offices for one year, and until their successors shall be appointed, and no longer; which directors, during their continuance in office, shall be stockholders in their own right, and citizens of the United States. The directors shall be elected on the first Monday in October, in each year, at such hour of the day, and at such place within the borough of Vincennes, as the board of directors shall appoint, under the inspection of three stockholders, not being directors, to be nominated by the board of directors. Such election shall be by ballot, and by a plurality of the stockholders then present, or their proxies, allowing one vote for every share of said stock; but no person shall be entitled to vote, unless the share or shares for which such person claims to vote, shall have been held by him at least sixty days next preceeding the election, at which such person claims to vote. And the first board of directors, shall be Samuel Smith, Samuel Judah, John Law, Homer Johnson, William Polke, William Burtch, Samuel Tomlinson, David S. Bonner and John C. Riley, of Vincennes; John J. Neily, of Princeton; James G. Read, of Daviess county; James Galletly, of Owen county; John R. Porter, of Vermillion county; and Lucius H. Scott and Demas Deming, of Terre Haute; who shall hold their offices until the first Monday in October, 1831, and until their successors shall be elected.

SEC. 6. The directors above named, shall in a convenient time after the passing of this act, and the directors chosen at each annual election, shall so soon thereafter as may be,

Com'y. may
hold real es-
tate.

Shall not ex-
ercise bank-
ing powers.

Directors. and
their qualifi-
cations.

How elected.

First board of
directors.

Board shall
appoint a pre-
sident.

choose out of their body, one person to be president, who shall preside until the annual election thereafter; and in case of the death, resignation, inability or refusal to serve, of the president or any director, such vacancy or vacancies may be filled by the board of directors; and in the absence of the president, the directors may appoint a president *pro tempore*, who for the time being may exercise all the powers of the president.

Vacancy in office of president or member of the board, how filled.

On failure to elect, election may be held at any time.

Stock deemed personal property, and transferrable.

Quorum and questions, how decided.

Committees, secretary and other officers.

By-laws, rules &c.

Dividends.

Policies, how made and authenticated.

Statement of funds, &c. to be made by president and secretary 30 days before election.

SEC. 7. That if it shall happen that an election shall not be made on the day appointed, in any year, by this act, it may be lawful to hold such election on any other day to be fixed for that purpose, by the board of directors.

SEC. 8. That the stock of said company shall be deemed to be personal property; and said stock shall be assignable and transferable according to such rules, as the directors may from time to time establish.

SEC. 9. A majority of the directors, or the president and any six or more directors, shall constitute a board, and be competent for the transaction of any business whatever, of said company. All questions before any board shall be decided by the votes of the majority, and they shall have power to appoint committees of directors, or one or more assistants, and also a secretary, and such other officers, clerks, servants, or agents, as they may deem proper; and also to make all necessary rules, by-laws and regulations, for the transaction of the business and management of the property, funds and securities of the company, for the government and compensation of the officers, servants and agents, relative to the election, the meeting of directors, the transfer of shares, and all other matters touching the business and property of said company, and the same from time to time, to repeal, alter or modify; and such board of directors shall have power, from time to time, to declare dividends of all or any of the profits of said company: *Provided*, That if any director or directors shall vote for or assent to the declaration or payment of any dividend, whereby the amount of the capital stock of said company shall be lessened, such director or directors shall be personally responsible therefor.

SEC. 10. That all policies of insurance, made by said company, if signed by the president and countersigned by the secretary, though the same may not be under seal, shall be valid and binding, and if not sealed, an action on the case may be sustained thereon.

SEC. 11. That it shall be the duty of the president and secretary, at least thirty days before each annual election, to prepare and insert in a book to be prepared for that purpose, a full and true statement of the property, funds and securities of the said company, showing the amount in

real estate, in bonds and mortgages, in notes, the securities thereof, in public or other stock, the amount of debts due to, and also due from said company, and also a list of all the stockholders of said company; which statement shall be certified by the president and secretary, under oath, and shall be open to the inspection of every stockholder, during the usual hour of business in the office of said company, until the day of election. And if the said president and secretary shall neglect to prepare said statement, certified as aforesaid, or to submit the same as aforesaid, they and each of them shall forfeit and pay to any stockholder requiring the inspection of such statement, the sum of two hundred dollars, each, to be recovered in an action of debt against them or either of them, by such stockholder, to his own use; *Provided* such suit be brought within one year after such requisition.

lection of directors.

Statement to be sworn to.

Penalty for failure to make statement.

SEC. 12. That whenever any property, real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vender or venders to assign such policy to the vendee or vendees of such property; and such assignee or assignees shall have the full benefit thereof: *Provided*, That before any loss happens, notice shall have been given said company of said assignment, and *provided* that said company, when so notified, shall be at liberty to return a ratable proportion of the premium, and thereupon be exonerated.

Policy on property, afterwards sold, may be assigned.

Proviso.

SEC. 13. That this act shall be in force for and during the space of twenty-one years from and after its passage, and shall be deemed and taken to be a public act, and shall be construed favorably for every beneficial purpose.

Charter limited to 21 years.

SEC. 14. That books for the subscription to the stock of said company, shall be opened at Vincennes, under the direction of Samuel Smith, William Burtch, and John Wise, or any one or more of them; at Princeton, under the direction of John J. Neely; at Terre-Haute, under the direction of Lucius H. Scott and Demas Deming, or either of them; and at Eugene, under the direction of John R. Porter, Stephen S. Collet and Josephus Collet, or either of them, at such times, and under such rules, as the board of directors herein before designated, may, when organized, direct; and if no such direction be given, on the first day of February next; and shall continue open from that day until the first day of May next,

Subscriptions to stock when and where to be taken up and under whose direction.

CHAPTER XXIII.

An Act to Incorporate the Town of Madison.

[APPROVED, FEBRUARY 4, 1831.]

Preamble. *Whereas, the law incorporating the town of Madison, with its several amendments, has, by reason of a multiplicity of enactments, become vague and uncertain; for remedy whereof, and that the powers and restrictions of the said corporation may be fully known and understood,*

Trustees declared a body corporate. *SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That the trustees of the town of Madison shall be, and the same hereby are declared to be a body corporate and politic, by the name and style of the "Trustees of the town of Madison," and by that corporate name, shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any court of competent jurisdiction, to make, use, and have, a common seal, and the same to break, alter and renew at pleasure, to ordain, order, establish and put into execution, such by-laws and rules as they shall deem proper and necessary for the convenience of said corporation, and also adopt and put in force, such laws, ordinances and regulations, as they shall deem necessary for the police and good government of the town hereby incorporated, subject to the restrictions, limitations and provisions hereinafter provided, and not inconsistent with the constitution and laws of this state, or of the United States.*

Style and powers.

Seal.

By-laws.

Ordinances.

Election of trustees. *SEC. 2. On the first Monday in April annually, there shall be an election held at the court-house, or at some other convenient place in the town, to elect by ballot, seven trustees; at which election, all free white males of the age of twenty-one years and upwards, who shall have lived one year in the bounds of the corporation, shall be allowed to vote.*

Who may vote

Notice of election. *SEC. 3. It shall be the duty of the corporation to cause notice of at least ten days to be given, of such election, either by publishing it in a newspaper printed in town, or by three written notices set up in three public places in said town. The president of the corporation shall act as inspector of the election; he shall call to his assistance two other qualified electors, who, with himself, shall be judges of the election; they shall appoint a clerk, and having taken an oath or affirmation, faithfully to discharge their duty as judges and clerk, shall proceed to receive votes for trustees, between the hours of ten o'clock, A. M. and four o'clock, P. M. on said day: *Provided, however,* That if the president should not be present, the qualified electors shall in that*

case, choose one to act in his place at such election: *Provided, also,* That if the electors should fail to meet and elect trustees at any annual election, the corporation thereby shall not be dissolved, but the trustees then in office, shall so continue, until others are elected at an annual meeting of the electors.

Certificates of election. *SEC. 4. It shall be the duty of the judges of such election, to certify under their hands and seals, the seven persons who received the highest number of votes, which certificate shall be filed and put upon record, by the clerk of the corporation, whose duty it shall be to deliver a copy thereof to each of the seven persons returned; which certificate shall be sufficient authority for such person to take his seat as a trustee. The trustees thus elected, or a majority of them, shall meet, and after taking an oath or affirmation, faithfully, diligently and impartially to discharge their duty as trustees, shall elect one out of their own body, to preside as president, at all their meetings; but in case of his absence, a president *pro tem.* may be appointed; no person shall be eligible for a trustee, unless he be a qualified elector, and also a householder or freeholder, within the bounds of the corporation. When vacancies happen by death, resignation, or otherwise, such vacancy shall be filled by appointment of the trustees, until the next annual election. A majority of the trustees shall at all times form a quorum; they shall meet on their own adjournment, shall appoint all officers necessary to carry into effect the provisions of this act, and make such compensation, as to them shall appear reasonable and proper.*

Oath of trustees.

President.

Eligibility of trustees.

Vacancies, how filled.

Quorum of trustees. Trustees may appoint all officers and allow compensation. President shall sign ordinances, &c.

SEC. 5. It shall be the duty of the president, to sign all laws, ordinances and decrees, of a public nature, and also to sign the records of all their by-laws and journals, or minutes of their proceedings.

SEC. 6. The corporation shall have power to levy and collect a tax, on real property, not to exceed one half per cent. on its valuation, exclusive of improvements on such property; on any specific article or articles of personal property; a poll tax on each qualified [voter] not exceeding fifty cents each; on all shows, exhibitions or amusements, which in the opinion of the corporation, are demoralizing to society, or calculated to detract from the peace and good order thereof. The corporation may in addition to the above tax, levy and collect, on real property, a tax not exceeding one half per cent. on its valuation, including improvements, for the purpose of purchasing a fire engine.

Taxes, how levied.

SEC. 7. The said corporation shall have power to pass such laws, ordinances or decrees as may be necessary to guard against damage by fire; to organize fire companies, and to govern the same: to regulate the duty, and conduct

Ordinances against damage by fire.

of the citizens of the town in relation thereto; to regulate and govern the markets; to prevent the erection of public nuisances, and remove the same; to declare what shall be considered a public nuisance, and generally to enforce, by proper penalties, the observance of all laws and ordinances, relative to the police and government of the said incorporated town.

SEC. 8. The powers of the corporation, for the purpose of raising a revenue by taxation, shall extend to the limits of the town plat, as it now is or hereafter may be entered on record, in the recorder's office of Jefferson county; and the said corporation may extend its jurisdiction, for the purpose of removing nuisances, and to carry into effect and full force its laws and ordinances, one half mile beyond the recorded plat of the town; all that territory which lies between high street and the Ohio river, is hereby attached to, and made a part of the incorporated town, and shall forever hereafter be subject to, and under the jurisdiction and control of the corporation, for the purpose of taxation, improvement or otherwise; to exercise full and ample jurisdiction, over all streets, alleys, and the landing or margin of the river to erect a wharf or wharves, and to regulate the same. The power for taxation by the corporation within the territory named above, is, and shall be subject to the following restrictions; the corporation shall not levy a tax on the blocks lying between high street and the river, for general purposes; but when such blocks are subdivided and sold, leased or occupied as building lots, with eighty-four feet front or under, such lots, or subdivisions, shall be subject to taxation in the same manner, that the lots in the town are taxed; but for the improvement of any street, alley, landing or margin of the river within said territory, the corporation shall have the same power to assess an equal tax, on all the property in said territory, as is provided in the nineteenth section of this act, relative to the improvement of the streets, alleys, or side walks, or any street or section of street.

SEC. 9. The corporation shall, in the month of May, in each year, appoint a lister, who shall take an oath of office, and give bond and security, to be approved of by the corporation, conditioned for the faithful discharge of his duty, as lister; he shall proceed forthwith, to make a fair list, in alphabetical order, of all persons subject to a poll tax, and such personal property as the corporation may direct him to list; also all lots or fractional lots, particularly noting the number, the owner's name, if known, whether resident or non-resident; having completed such assessment, he shall call to his assistance two freeholders, who, having been sworn faithfully and impartially to value the real property, exclusive of improvements, so listed, shall with the lister,

Regulation of
markets.
Nuisances.

Limits of the
town.

Corporate ju-
risdiction, a
half mile be-
yond.
Territory at-
tached.

Wharves.
Restrictions
as to taxation

Lister to be
appointed &
his oath, bond
and duties.

proceed to value the same, and such lister shall, on or before the first day of July next succeeding, make return to the clerk of the corporation, of such list and assessment.

SEC. 10. The corporation shall, in the month of July, in each year, levy a tax on the property so listed and returned by the lister, and appoint a collector, who shall take an oath, and give bond and security, to be approved of by the corporation, conditioned that he will faithfully pay over all money that may come into his hands, as collector, to the treasurer of the corporation, or such person as may be authorized to receive the same. Said collector shall hold his office one year, unless sooner removed.

SEC. 11. It shall be the duty of the corporation to make out a fair list of all persons taxable with a poll-tax, with personal property, and with real property, with its valuation, setting forth the owner's name, (if known) the amount of tax chargeable to each person, and the amount charged on each article; and shall deliver the same to the collector, on or before the first day of August, annually, and certify the amount of tax contained on such list, to the treasurer; such list, so put into the hands of the collector, certified by the president and attested by the clerk, shall be sufficient authority for the collector to proceed to collect the same.

SEC. 12. It shall be the duty of the collector, to receive the amount of taxes due from each individual, on or before the first day of September, in each year, and in all cases where the taxes assessed are not paid by that time, by any individual, it shall be the duty of the collector, to proceed and collect the same, by distress and sale of any of the personal property of such delinquent, by giving ten days notice of the time and place of such sale, by setting up three advertisements in public places.

SEC. 13. That in all cases where the tax due and owing, cannot be made of the goods and chattels of such delinquent, it shall be the duty of the collector, to make sale of the lots or fraction of lots belonging to such person, or so much thereof, as will pay the tax and cost due, by giving twenty days notice of the time of such sale, in some newspaper published in said town, or by posting up five written notices, in public places in said town, in which notice he shall particularly describe the lot or lots so to be sold, by their proper number, or some other certain description, with the owner's name, (if known) or the person's name to whom it is supposed to belong. The collector shall, on the day of sale, by proclamation, proceed to sell the lot or lots to the highest bidder, or to the person who will pay the tax and costs due, for the smallest portion of the lot or lots; and shall give to such purchaser a certificate of such purchase, setting forth the quantity sold, the amount paid, including tax and costs, and that

Return of as-
sessment list.

Levy of tax.

Collector,
and his oath
and bond.

List of persons
chargeable,
tax to be deli-
vered to col-
lector.

Collector's
duty in col-
lecting.

Personal pro-
perty, how
sold for taxes.

Lots, how
sold for taxes.

Notice of sale.

Sale.

Certificate.

such purchaser will be entitled to receive a deed for the same, at the end of two years, unless the owner shall redeem the same, on or before that time, by paying to said purchaser, his heirs or assigns, the amount of the purchase money, with one hundred per cent. per annum thereon, or deposit the amount with the clerk of the corporation.

Redemption.

SEC. 14. That in case the owner of such lot or fraction of lot, so sold as aforesaid, his, her or their agent or attorney, shall not pay the amount of the purchase money, with the per centum thereon, as aforesaid, within two years from the day of sale thereof, it shall be the duty of the collector who shall then be in office, to make a deed to the purchaser, or his assigns, for such lot or fraction of lot; which deed acknowledged and recorded agreeably to law, shall vest all the right and title to said lot, in the purchaser, and divest the owner, of any title thereto; and the assessment made on such lot or lots, shall be a lien on the same, in the hands of any person who may purchase the same at private sale; and no conveyance made by the owner of such lot, after the time of such assessment, shall so divest the owner thereof, of the title to said lot, as to interfere with the claim of a purchaser, under the provisions of this act: *Provided*, That in all cases where lots are listed and sold, the owner's name not known, such sale shall be valid and good to the purchaser.

Deed and its effect.

Sale may be adjourned.

Lien on unsold lots.

Fee for certificate.

Collector shall make return to clerk of corporation and pay over money to treasurer. Delinquent list.

Bond, how given.

Suits, in what name instituted.

Sale of spirituous liquors restrained.

SEC. 15. The collector may adjourn his sale of lots, from day to day, for three days, and if at the end of that time, any lot or lots, should remain unsold for want of buyers, he shall make return thereof, and the amount of the tax and cost on such lot, shall remain as a lien on such lot or lots, and shall be added to the next year's assessment, with one hundred per cent. thereon. The collector shall be allowed a fee of fifty cents for each sale, and certificate.

SEC. 16. It shall be the duty of the collector, to make return of his proceedings, and of the sales made, to the clerk of the corporation, on or before the first day of November, annually, and annually pay over to the treasurer, all monies by him collected, at which time he shall furnish a list of delinquents, for which he shall receive a credit if deemed correct.

SEC. 17. All bonds given by the officers of the corporation, and all contracts entered into with the corporation, shall be in the name of "The Trustees of the town of Madison," and all suits commenced for the benefit of the corporation, or when the corporation shall be defendant, shall be in the name of "The trustees of the town of Madison," without setting forth the name of any member thereof.

SEC. 18. It shall not be lawful for any person or persons, within the bounds of the corporation, to sell by less quantity than one quart, any spirituous liquors, foreign or domestic,

or keep what is commonly called a tippling house, unless such person or persons shall, in addition to a license obtained from the board of county commissioners, obtain a license from the corporation, who is hereby authorized to grant the same to such applicant for one year, on his, her or their paying into the treasury of the corporation, a sum not exceeding fifty, nor less than five dollars, at the discretion of the corporation. And if any person or persons shall sell any spirituous liquors, or keep what is commonly called a tippling house, contrary to the provisions of this act, he, she or they, so offending, shall upon conviction thereof, by presentment or indictment, in any court having competent jurisdiction, be fined in any sum not more than one hundred, nor less than ten dollars, for the use of the county seminary. And for the better regulation, peace and good government of the town, the corporation is hereby authorized to pass and adopt laws or ordinances, for the suppression of immorality, intoxication, rioting or whatever may detract from the peace and good order of society; and for the purpose of carrying the provisions of this act into effect, the corporation is hereby authorized to appoint a marshal for that purpose, who shall take an oath of office, and who shall be a peace officer.

SEC. 19. That whenever the owner of lots, on any street or section of a street, shall be desirous of making any improvement on the same, by graduating, gravelling or paving said street or side walks thereof, or to improve the landing by a wharf or wharves, or any other improvements, and two thirds of the owners of lots on said street or section of street, by themselves or agents, representing two thirds of the whole number of feet, on each side of said street or section of street, shall by petition, represent to the corporation, plainly and distinctly, the improvement wanted or contemplated to be made, it shall be the duty of the corporation, to cause the same to be done in the best and most economical manner, agreeably to the wish of the petitioners. And the expense of such improvement, shall be assessed and levied on all the lots fronting on said street or section of street, equally per foot front, for the distance such improvement may be intended to extend, which assessment and levy, from the time of making the same, shall be and remain a lien upon said lot or lots, until the amount so assessed and levied, shall be fully paid and discharged. It shall be the duty of the clerk, of the corporation, to enter such petition on record with the petitioners names, the number of feet front owned or represented by each, and shall make out, and deliver to the collector of the corporation, a list of the owners names, the number of feet front owned by each individual, the rate of expense on said lot, for such improvement, and the whole amount assessed and levied on each lot or fraction of lot; which list

License to grocers, &c.

Penalty for selling without town license.

Laws for suppressing immorality, rioting, &c.

Marshal and his duties.

Streets, how improved.

Petition for improving street.

Expense of improvement, how paid.

List of owner's name, No. of lot and expense of improvement to be delivered to collector, and lot, how sold.

signed by the president, and certified by the clerk, shall be sufficient authority for said collector to proceed and collect the same; and if the owner or agent of any lot or part of a lot, shall neglect or refuse to pay the amount so assessed and levied, within three months after such levy, the collector shall proceed to collect the same, by sale of such lot or fraction, or so much thereof as will pay the amount so levied; and in such sale, he shall in all respects be governed by the thirteenth section of this act; and the right of redemption shall be the same as is provided in the fourteenth section of this law.

Lot, how sold to defray expense of improvement. Redemption.

Market house in Broadway.

Ordinances, how published.

Statement of receipts and expenditures.

SEC. 20. The citizens in the first and second additions to the town, shall have the right to build a market house in Broadway.

SEC. 21. All laws and ordinances, passed by the corporation, of a public nature, shall be published, either in a newspaper printed in the town, or by setting up, in public places, three written copies thereof, before it shall be in force; and it shall be the duty of the corporation, in the month of March, in each year, to cause a full statement of all receipts and expenditures, for the past year, to be published in some newspaper printed in said town, or by posting up three copies thereof, in public places.

This act shall take effect and be in force from and after its publication.

CHAPTER XXIV.

An Act concerning the Corporation of the Town of Lawrenceburgh.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the town of Lawrenceburgh, in the county of Dearborn, which was heretofore incorporated by an act for the incorporation of the town of Lawrenceburgh, Dearborn county, Indiana territory, approved, December 26th, 1815, which act was accepted by the citizens of said town according to the provisions therein contained, shall continue to be an incorporated town, and to possess all the rights and privileges, and subject to all the liabilities of a body corporate and politic, both in law and equity, as given them by their act of incorporation, and confirmed unto them by the several acts of the general assembly, made in addition thereto.

Declaratory section, and corporation continued.

Style and powers of corporation.

SEC. 2. The style of said corporation shall continue to be "The President and Select Council of the town of Lawrenceburgh," in which name they may sue and be sued,

plead and be impleaded, answer and be answered unto, and do and transact any business that a body corporate and politic may or can do, either in law or equity.

SEC. 3. Each white male inhabitant of said town, sane, and not a pauper, being a citizen of the United States, and twenty-one years old and upward, who shall have resided in said corporation one year last preceding said election, and been assessed with, and actually paid a tax to said corporation, shall be entitled to vote at all elections held therein; but no person shall be eligible as president, or member of the select council, who shall not possess a freehold estate in said corporation, worth five hundred dollars, and at the time of his election be an inhabitant thereof.

Who may vote for president and council.

SEC. 4. There shall be elected annually, on the first Monday in April at some suitable place in said town, and at such time of the day as shall be directed by the president and select council, a president and five members of the select council, who shall serve one year from and after their election, and until successors are chosen and qualified, who shall, before they enter upon the duties of their office, severally take the oaths required by the constitution of this state; due notice of which election shall be given by the recorder, at least one week previous thereto.

Election of president and council, and term of office.

Their oath. Notice for election.

SEC. 5. At the first meeting of the president and select council, after their election, or as soon thereafter as may be convenient, they shall proceed to elect a recorder, treasurer and marshal, each of whom shall serve one year, and until their successors are chosen and qualified; they shall possess the same qualifications as members of the select council, and take similar oaths, and give bond and security payable to the president and select council, conditioned for the faithful discharge of their duties respectively, and on failure to perform all or any part of the conditions of said bond, the principal and his security, or either of them, may be proceeded against by motion or suit before the president, in the same manner, and subject to the same rules and restrictions, as motions and suits on sheriff's and collector's bonds are proceeded on in the circuit court; and the president is hereby authorized and empowered to hear and determine said motion or suit, and give judgment thereon, and issue all necessary process to carry the same into effect, in the same manner, and as fully, as the circuit court might or could do, in like cases.

Recorder, marshal, and treasurer and their oath and bond.

Suit against officers, before president.

SEC. 6. The president and select council shall have full power and authority to assess and order to be collected, from each male inhabitant of said town, of full age, and not a pauper, any sum not exceeding one dollar in each year, as a poll-tax; and in assessing and collecting taxes they

Taxes, who subject to.

Taxes shall be collected under revenue act.

Marshal's duty; shall serve process, collect taxes, &c.

Certificates and deeds under tax sales, and redemption.

Docks, piers, &c.

Improvements how accomplished, and damages to property, how ascertained.

shall in all cases pursue the same regulations as are now or may hereafter be directed to be pursued in the assessment and collection of county revenue, except that they shall not be limited to the same objects of taxation.

SEC. 7. It shall be the duty of the marshal to serve all process and orders directed to him by the president, except he shall be absent, sick or interested in the same, in which case it shall be the duty of the president to name some fit person for that occasion, who shall have the same authority as the marshal in like cases, and to collect all taxes according to the duplicate. In the service of such process, and in the collection of taxes, whether by distress and sale or otherwise, the marshal shall be governed by the same rules and regulations as sheriffs, collectors and constables are directed to observe in similar cases; and in all cases of distress and sale by the marshal, of either real or personal property, on process directed to him by the president, or for the collection of taxes, such sale shall be as valid in law and equity, as if the same had been made by a sheriff, constable or collector; and all certificates and deeds given for the sale of real estate, shall be as binding as if made by the sheriff or collector, and redeemable in like manner.

SEC. 8. The president and select council shall, when they think it expedient, have power to construct docks, piers, basins or harbors, within said corporation, for the public benefit; and when it shall become necessary for the president and select council to have the possession and control of any lot or land, over or upon which the said improvement may be made, it shall be lawful for the said president and select council, to file in the clerk's office of the Dearborn circuit court, their petition in writing, setting forth the improvement desired to be made, the particular property to be affected thereby, and the name of the owner or owners thereof, if known, praying for relief as designed to be given by this act; and on filing such petition, thirty days before the sitting of said court, and on proof being made to the satisfaction of said court, that notice of the filing of the same had been given, by publication in some newspaper printed in Dearborn county, for the space of sixty days, it shall be the duty of said court to empanel a jury in the same manner as in other cases, who shall be sworn faithfully and impartially to discharge the duties required of them by this act; which jury, none of whom shall be the owners of property or residents in said incorporation, shall, under the direction of the sheriff or other officer of said court, proceed to view the premises set forth in said petition, and therein desired to be used and appropriated for the purposes aforesaid, and to estimate the value thereof,

and make return of the same to said court, and on return thereof, the court shall decree thereon, as shall seem right, and as shall most effectually vest the title of such premises, or other interest prayed for, in the president and select council; but in no case shall the same vest in, or be transferred to the president and select council, until the value thereof, as found by the jury, shall first be paid, either to the owners thereof, or to the court for their benefit.

SEC. 9. The president and select council shall have all necessary powers, to make and enforce all necessary by-laws, ordinances and regulations, to preserve order, regulate and establish markets, to procure the necessary engines and apparatus to guard against destruction by fire, organize fire companies, preserve public property, to regulate the manner of using docks, piers, basins, harbors, regulate the rate of wharfage, and collect the same.

SEC. 10. To enable the president and select council to carry into effect the provisions of this act, they are hereby authorized to assess and collect a tax not exceeding one half per centum, per annum, on all the property within said corporation, according to the value thereof; and all their ordinances and by-laws made for that purpose, not inconsistent with the constitution and laws of the United States and of this state, made in pursuance of this act, shall be valid to all intents and purposes for which they are designed.

SEC. 11. The president and marshal shall have the same power to issue and serve process, in any matter relating to any violations of the laws and ordinances of the president and select council, and to carry the same into as full effect, as justices of the peace and constables have now, or may hereafter have, to carry into effect any process issued by virtue of any law of this state, for any violation thereof, and shall be entitled to and authorized to demand and collect, the same fees that are allowed to justices and constables for performing like services.

SEC. 12. The president shall attend and preside at the meetings of the select council, (but should he be absent they may appoint one of their own body to preside at that time.) He shall also preserve order, approve and sign their ordinances, otherwise they shall not be in force unless passed by two thirds of all the members of the council, but shall have no vote. The recorder shall keep a journal of their proceedings, and do such other duties as the president and select council shall assign him, and shall receive such compensation for his services, as they shall from time to time allow him.

SEC. 13. The bounds of the corporation shall be co-extensive with the original plat of the town, together with all

Ordinances and general powers.

Taxes, how assessed and collected.

Process for violating ordinances, &c. how issued and served.

Fees.

President shall preside at meetings.

Ordinances, how passed and approved.

Recorder's duty and compensation.

Bounds of corporation.

the additions that have from time to time been made thereto, including what was formerly laid out as the town of Edinburgh, but was by an act of the legislature of this state, approved, December 24, 1816, vacated and added to the town of Lawrenceburgh, including all the streets, lanes, alleys and commons, including the banks of the river to low water mark in front of the town, with all the rights heretofore given by their act of incorporation, with all the additions made thereto.

Vacancies,
how filled.

SEC. 14. Any vacancy that may happen in any of the offices herein created, shall be filled by the president and select council until the next election for such officers.

Present officers shall act.

SEC. 15. Nothing in this act shall be so construed as to affect the term of service of any officer of said corporation, elected previous to the taking effect of this act.

This act to take effect and be in force from and after its publication.

CHAPTER XXV.

An Act relative to the Borough of Vincennes.

[APPROVED, JANUARY 26, 1831.]

Election of 3
assistant trustees for each
ward, and
their powers
and duties.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That after the taking effect of this act, the qualified voters of the borough of Vincennes, at the annual election in each year, shall, in the manner prescribed for the election of trustees, elect also for each ward, three assistant trustees; and the said assistant trustees, when qualified in the manner prescribed for the trustees, shall assemble together at such time and place as said trustees may appoint, and thereafter whenever and wherever the ordinances of said borough may require; and when so assembled, shall have full power to appoint from time to time, their own chairman and clerk, and shall be designated as the board of assistants, and as such shall form a co-ordinate branch of said corporation; and all the rights, privileges, powers and duties, which are now possessed by, or prescribed for the board of trustees, shall from and after the organization of said board of assistants, be enjoyed by and be deemed and taken as prescribed for the said boards of trustees and assistants.

Chairman.
Shall be a
branch of corporation, and
how governed

SEC. 2. That henceforth the president of the board of trustees shall be elected annually, by the qualified voters of the said borough, at the annual election of trustees.

President of
board of trustees, how elected.
Election of
constable.

SEC. 3. That at the annual election of trustees in each year, the qualified voters of said borough shall elect the

constable of said borough, and the borough constable shall be *ex officio* a constable of Knox county, in and for Vincennes township, and as such, shall be subject to discharge all the duties, and entitled to all the privileges thereto belonging: *Provided*, That it shall be the duty of such borough constable, to qualify himself, as constable for said township, in the manner required by the laws of the state.

Proviso.

SEC. 4. That all vacancies in the office of assistant trustee, president, or borough constable, shall be supplied until the then next annual election, in such manner as the ordinances of the borough may direct.

Vacancies in
office of assistant trustee,
how filled.

SEC. 5. That whenever any improvement, by levelling, grading, draining, widening, paving, or otherwise, in any street or streets, or in any part or parts of any street or streets in said borough, shall be requested by the petition of any three resident freeholders of the said borough, it shall be the duty of the said president and trustees of the borough of Vincennes, to appoint three persons, not interested in the said proposed improvement, who shall take an oath faithfully to discharge the duties assigned them, and shall then view the part of the said borough proposed to be so improved, and ascertain the property which in their opinion, would be directly benefitted by the proposed improvement, the then value thereof, and as far as may be practicable, the names of the persons having any estate or interest, other than by lease from year to year, or less estate, in the property which will be so benefitted; and shall return their proceedings, under their hands and seals, to the said president and trustees, and after such return shall have been made, if two thirds of the proprietors, resident within said borough, of the said property, shall, in writing, under their hands, or under the hands of the guardians or husbands of such of them as may be infants or married women, testify their wish that such proposed improvement shall be made, it shall be the duty of the said president and trustees of the borough of Vincennes, to cause the same to be made and completed, and after such improvement is completed, it shall be the duty of the three commissioners above mentioned, in whose number all vacancies shall be supplied by new appointment, to estimate the then value of the property aforesaid, and such estimate to return, under their hands and seals, to the president and trustees aforesaid, and thereupon the expense of making such improvement, and all necessary charges attending the same, shall be assessed on the property aforesaid, in proportion to the amount of the estimates of the value thereof, returned as aforesaid, before and after the making of such improvement, added together; and all the proceedings in the premises, being certified to the circuit court of Knox county, under

Improvement
of streets, &c.
how effected.

Petition.

Commissioners to examine
property to be
benefitted, &c.

Return of
commissioners.

Consent to
have improvement.

Enhanced value of property, how ascertained and tax for improvement, how collected

should such order not be made within sixty days, then it shall and may be lawful for any justice of the peace residing in the town, on the request of three or more respectable freeholders thereof, to give notice, and order an election of five trustees, and direct the manner in which the same shall be conducted; and should there be at any time, any vacancy in said board, either by death, resignation or otherwise, such vacancy shall be filled by an election, by the qualified voters, on a day appointed by the remaining trustees; and the returns shall be made in such manner as shall be directed by the said trustees.

Vacancy in board, how filled.

Quorum.

SEC. 3. A majority of the trustees shall constitute a quorum to transact business; but any less number may make adjournments, and compel the attendance of absent members, by imposing a fine on delinquents, not exceeding three dollars. And the said board shall be the judges of the election of their own members and officers, and two thirds concurring, may expel any member or officer of the board, for improper conduct.

Board shall judge of qualification of members.

Clerk, assessor, collector, treasurer, &c.

SEC. 4. The president and trustees shall appoint a clerk to the board, an assessor, collector, treasurer, and such other officers as they may find necessary; which officers shall, as well as the president and trustees, before entering on their respective duties, severally take an oath or affirmation, faithfully and impartially to discharge the duties of their offices; it shall also be the duty of the said collector and treasurer, before they commence their duties, to give bond with surety, payable to the president and trustees, and to be approved of by them, conditioned for the faithful discharge of their duties, respectively; and the board shall allow their officers such compensation for their services, as they may deem reasonable.

Oath of office.

Bond of collector and treasurer.

Taxes, how assessed and collected.

SEC. 5. The president and trustees shall have full power and authority to assess, levy, and collect taxes annually, on all real estate within the town, not exceeding fifty cents on every hundred dollars, of valuation thereof; and shall prescribe by ordinance, the duties of the said assessor, and the time and manner of making the assessment, valuation and return of the taxable property within the said town; the said collector, shall have full power to collect all taxes assessed and levied by the board of trustees, in manner aforesaid, by distress and sale of the goods and chattels of the person chargeable with taxes; and if no goods and chattels can be found, the collector may seize and sell any lot or part of a lot of the delinquent, for the payment of taxes in arrear, with the costs, and may convey the same to the purchaser, subject however to such rules, restrictions and right of redemption, as the board may prescribe, by ordinance, not inconsistent with the revenue laws of this state.

Collector, may sell property for taxes.

Redemption.

SEC. 6. The limits of the said corporation, shall be co-extensive with the recorded plat of said town; and the justices of the peace resident therein, shall have jurisdiction of all offences against the laws and ordinances of the corporation.

This act to take effect and be in force from and after its passage.

Corporate limits.

CHAPTER XXVII.

An Act authorizing the Inhabitants of the Town of Salem to become Incorporated.

[APPROVED, JANUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the qualified voters of the town of Salem, in Washington county, are hereby authorized to meet at the court-house, in said town, on any day previous to the first Monday in March next, and proceed to incorporate themselves under the act providing for the incorporation of towns, approved, January 30, 1824, in the same manner as if said meeting was held on the said first Monday in March; *Provided*, That three days notice of the time and place of said meeting, shall be given, by written advertisements set up at three of the most public places in said town, signed by not less than three qualified freehold voters of said town.

Voters may meet and incorporate under the act of 30th January 1824.

Notice of meeting.

SEC. 2. That if the qualified voters of said town, shall decide at the meeting to be holden as aforesaid, that they wish to become a corporate body, they may, on the next succeeding Monday, elect trustees, according to the provisions of the above recited act; and such trustees, when so elected, shall be vested with all the powers given to trustees, in pursuance of said act, and shall in all respects be governed by the same, and shall hold their said offices until the first Monday in March, 1832, and until their successors are elected and qualified.

If voters decide in favour of incorporating, trustees shall be elected the following Monday.

This act to take effect and be in force from and after its passage.

CHAPTER XXVIII.

An Act to Incorporate the Lawrence county Seminary.

[APPROVED, JANUARY 8, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That William McLane, Elbert Jeter, Winthrop

Trustees, and their corporate name and power.

Foot, John Vestal, and Robert Mitchell, and their successors in office, shall be and are hereby constituted a body corporate and politic, by the name and style of "The President and Trustees of the Lawrence county Seminary," and by that name may sue and be sued, plead and be impleaded in any court of law or equity in this state, and by that name have perpetual succession; they shall in law be capable of purchasing, holding, and conveying any estate, either real or personal, for the use of said seminary; they shall also be empowered to receive subscriptions, gifts, grants, donations, or bequests, which shall be appropriated to the sole use and benefit of said seminary, in such manner as the said board of trustees shall deem most profitable or expedient.

President, secretary and treasurer, and their bonds.

SEC. 2. The said trustees shall meet at the court house in said county at any time after this act shall take effect, and elect a president from their own body: they shall also elect a secretary and treasurer, all of whom shall continue in office during their pleasure; and it shall be the duty of the treasurer, before he enters on the duties of his office, to execute a bond, payable to said trustees or their successors in office, in the penal sum of one thousand dollars, conditioned for the faithful performance of his trust, and that he will pay over, on the order of said trustees, all monies which may come to his hands by virtue of his said office, and shall also take an oath before some justice of the peace, for the faithful performance of his trust.

Trustees shall record their proceedings, and how orders shall be drawn.

SEC. 3. It shall be the duty of said trustees to purchase a book, in which shall be made a record of all their proceedings, which shall be signed by the president and attested by the secretary, and no money shall be paid out but upon the order of the trustees, to be entered on record as aforesaid, a certificate of which, signed by the secretary, shall be sufficient authority for the treasurer to pay the same to the person in whose favor the same may be drawn, or his assignee.

Term of office

SEC. 4. The president and trustees created by virtue of this act, shall hold their offices for the term of three years from and after the time of their first meeting and organization, and until their successors are appointed and qualified, and if any vacancy may happen within that time, by reason of the death, resignation, removal from the county, or refusal or neglect to serve, by any or either of them, the vacancy or vacancies shall be filled by the remaining trustees, and the person so appointed to fill such vacancy shall hold his office for the time for which the original trustees are appointed to serve, and no longer. And at the expiration of the said term of three years, it shall be the duty of the presiding judge of the circuit court in which said county may be at the time, to appoint five other trustees with the same

Vacancies, how filled.

Successors to be appointed by president judge.

powers and duties herein provided for, or to re-appoint the same, at his pleasure, or any part thereof, who shall from thence hold their offices for three years, and until their successors may be appointed, as is herein provided for the original trustees; and that thereafter the said president and trustees shall be appointed in like manner from time to time for said term of three years; shall have power to fill their vacancies, if any should happen as aforesaid, and to appoint their officers, all of whom shall continue to hold the same until the expiration of three years from the time of the appointment of such trustees for the time being; and so on in succession forever.

SEC. 5. The said trustees, or a majority of them, shall have power, from time to time, to make such by-laws and regulations, not inconsistent with the laws of this state, or of the United States, as they may deem necessary for the purpose of carrying into effect the intentions of this act; for the employment of a suitable teacher or teachers; for the good government of said seminary and the students thereof, and the same to put in execution, revoke, alter, or make anew, as they may think best; and for the purpose of purchasing a suitable site in the town of Bedford, in said county, and erecting thereon a good, convenient and suitable building or buildings for the use of said seminary, and keeping the same in repair; and for providing whatever may to them be considered necessary and proper for such seminary. The said trustees shall meet when, and as often as they think necessary, and a majority of said board shall constitute a quorum for the transaction of business.

SEC. 6. The board of trustees shall be authorized to demand and receive of the present trustee of the seminary fund of said county, all moneys and notes belonging to that fund in his hands; and said board are hereby authorized to make settlement with such trustee, or any former trustee, and if any thing shall be found due on such settlement to said seminary fund, in their corporate name, to demand and sue therefor if they think proper, the said money to be appropriated as contemplated by this act; but no contract made, or note given to or by the present trustee, shall be made void, but when such contract or note becomes due, the said board shall have power to collect the same by suit or otherwise: they shall also have power to demand and receive from the treasurer of state an equal proportion of all money paid into his office, received from persons conscientiously scrupulous of bearing arms, to which the said county of Lawrence may be entitled, and their receipts to him shall be a sufficient voucher for the same.

SEC. 7. The said trustees shall not proceed to expend said money in the erection of a building for the use of said

By-laws.

Seminary edifice may be erected.

Meetings of trustees.

Seminary fund and how appropriated.

Conscientious fines.

Fund not to be expended

until it is sufficient to erect a good building.

Public officers shall pay over seminary fund to treasurer of the board.

Treasurer, & accounts and compensation

Trustees shall report to c'ty. board.

Edifice, teachers, &c.

seminary, until a sufficient sum has been raised by donation, subscription, or otherwise, in addition to the amount of said seminary fund, to erect a good brick building for the use and benefit of said seminary, of such size and dimensions as said trustees may think proper.

SEC. 8. From and after the time when the said trustees shall be organized under the foregoing provisions, it shall be the duty of all officers who have or may collect money for the use or benefit of a county seminary in said county, to pay the same to the treasurer of said board, whose receipt shall be a sufficient voucher therefor, and on failure of such officer to pay the same over, the said board shall have the right to sue therefor in their corporate name. And it shall be the duty of said treasurer to keep a true account of such money by him received, in a book to be by him kept for that purpose; and said treasurer shall receive for his services such reasonable compensation as the said board of trustees may allow him.

SEC. 9. It shall be the duty of the trustees aforesaid, to make a detailed report of the disbursement of such funds as may come into their hands annually, to the board doing county business for said county, which report shall be recorded on their records; and all bonds taken in pursuance of this act shall be prosecuted for the benefit of the said county seminary.

SEC. 10. When the said seminary fund shall accumulate sufficiently for the purpose, after erecting suitable buildings and furnishing the same, the said trustees may, if they think it necessary, appropriate such fund to the payment of teachers and necessary assistance, so as to reduce the price of tuition, or if practicable make the same a free school.

This act to take effect and be in force from and after its passage, or publication in the Indiana Journal.

CHAPTER XXIX.

An Act to incorporate the Shelby County Seminary.

[APPROVED, JANUARY 29, 1831.]

Trustees.

Style & powers of corporation.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Hiram Aldridge, Elisha Mayhew, William Fleming, Erasmus Powell, William Hawkins, John Hendricks and John B. Conoyer, together with their successors, be, and they are hereby created and constituted, a body corporate and politic, by the name and style of the "President and Trustees of the Shelby county Seminary," and by such name shall have perpetual succession, and shall be ca-

pable of holding, receiving and transferring any estate real or personal, by gift, grant, bequest or devise, of suing and being sued, pleading and being impleaded, in all courts of judicature.

SEC. 2. Said trustees shall meet at the court house in Shelbyville, on the first Monday in June next, or on some day thereafter that a majority of them may agree upon, and elect from their own body, a president, secretary and treasurer, to continue in office during the pleasure of said trustees; and it shall be the duty of the treasurer thus elected, before he enters upon the duties of his office, to execute a bond payable to the state of Indiana, in the penal sum of one thousand dollars, conditioned for the faithful performance of his trust, and for the payment, to the order of the trustees, of all monies that may come into his hands as such treasurer, and shall also take an oath before some justice of the peace, for the faithful discharge of the duties of his office.

SEC. 3. The trustees shall keep a record of all their proceedings, in a book to be kept for that purpose, which shall be signed by the president and attested by the secretary, and no money shall be paid but on the order of the trustees, entered of record; a certificate of which, signed by the secretary, shall be authority for the treasurer to pay the amount expressed in any such order, to the person named therein, or to his assignee.

SEC. 4. A majority of said trustees shall constitute a quorum for the transaction of all business that may come before them. They shall have power to make all such necessary and constitutional by-laws, rules and regulations, not incompatible with the laws of this state, for the government of said seminary, and the discipline and instruction of the students, as to them shall seem expedient.

SEC. 5. The trustees aforesaid shall have authority to demand and receive, of the trustee of the seminary fund of the county of Shelby, all money, property or choses in action, belonging to the said seminary fund, in the county aforesaid, and the same to dispose of for the advancement of the interests of the seminary; and also to demand and receive of the treasurer of state, the proportion of all monies paid into the treasury, by persons conscientiously scrupulous of bearing arms, to which the county of Shelby is entitled; and the receipt of such trustees shall be a sufficient voucher to the treasurer of state, for the payment of the same.

SEC. 6. That said trustees shall not proceed to expend the funds of said seminary in the erection of any building for the use of the same, until a sufficient sum has been raised by donation, subscription, or otherwise, in addition to

President, secretary and treasurer. Treasurer's bond.

Oath.

Trustees shall record their proceedings.

Money, how disbursed.

Quorum.

By-laws.

Trustees may demand seminary fund.

Seminary fund how expended, seminary edifice, &c.

the amount of said seminary fund, to erect a substantial edifice of brick, of such dimensions as the trustees shall think proper.

Seminary fund hereafter to be paid over to treasurer.

SEC. 7. That whenever said building shall be commenced, it shall be the duty of all officers collecting money for the use and benefit of said fund, to pay the same over to the treasurer of said board, whose receipts shall be sufficient vouchers of the same; and on failure of such officers to make payment of the sums collected by them, according to law, the claims may be put in suit. The treasurer of said board shall keep an accurate account of his receipts and disbursements, in a book to be kept for that purpose, and shall receive such allowance for his services as the trustees may think proper to make him.

Treasurer's accounts.

Vacancies, how filled.

SEC. 8. Whenever a vacancy shall happen by death, resignation, removal or otherwise, in the said board of trustees, it shall be the duty of the board doing business in the county of Shelby, to appoint a suitable person to fill such vacancy.

Trustees shall report to c'ty, board.

SEC. 9. It shall be the duty of the trustees aforesaid, to make a detailed report of the disbursements of such funds as may come into their hands, annually to the board doing county business for said county, which report shall be recorded on their records; and all bonds taken in pursuance of this act, shall be prosecuted for the benefit of the county seminary of Shelby county.

Bonds, how sued.

Teachers, when & how employed.

SEC. 10. That when the seminary fund shall have accumulated sufficiently for the purpose, after erecting suitable buildings and furnishing the same, the said trustees may, if they think it necessary, appropriate such fund to the payment of teachers and necessary assistants, so as to reduce the price of tuition, and if practicable, make the same a free school.

This act to take effect and be in force from and after its passage.

CHAPTER XXX.

An Act to Incorporate the Levenworth Seminary.

[APPROVED, DECEMBER 24, 1830.]

Trustees.

Style & powers of corporation.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John L. Smith, Elam Willey, Andrew Beers, James B. Davidson, and Seth M. Levenworth, shall be and are hereby constituted a body corporate and politic, by the name and style of the "President and Trustees of the Levenworth Seminary Society," and in their corporate name and capacity, may sue and be sued, plead and be im-

pleaded, in any court of competent jurisdiction, and by that name shall have perpetual succession.

SEC. 2. The trustees shall be elected annually, on the first Monday in April, by the subscribers to said society, under such regulations as a majority of them shall from time to time adopt, and shall previous to entering upon the duties of their office, severally take an oath or affirmation, faithfully to discharge the duties by this act enjoined; and shall elect a president, secretary and treasurer from their own members; the said president and trustees shall be competent in law and equity to take to themselves and their successors, in their corporate name, any estate real or personal, by the gift, grant, bargain, sale or bequest of any person or persons whomsoever, and the same estate, whether real or personal, to grant, bargain, sell or convey, or otherwise dispose of, as shall by them be deemed most beneficial to the interests and prosperity of said seminary society.

Election of trustees.

Oath of trustees.

President, secretary and treasurer.

Trustees may hold real and pers'l. estate.

SEC. 3. The trustees shall cause to be made for their own use, one common seal with such devices and inscription thereon, as they may think proper, and the same to alter at pleasure; by which all deeds and acts of the corporation shall be authenticated; they shall fill all vacancies which may happen in their own body, by death, resignation or otherwise.

Seal and authentications.

SEC. 4. The trustees, after being organized as aforesaid, shall have power to make and ordain such rules, regulations and by-laws, not inconsistent with the constitution and laws of this state, or of the United States, as they may deem necessary, for the good order, interest and government of said society, and the same to amend and alter at pleasure, to employ teachers, and regulate the course of instruction; and such teachers to remove and dismiss whenever they shall deem it necessary; they shall have power to meet as often as they may think proper, and sit on their own adjournments, to determine the time and place of holding the meetings of the society, the qualification of voters, and the mode and manner in which such votes shall be received: *Provided however*, That the society shall have power at any regular meeting, to alter, amend or repeal any by-law so made as aforesaid, or to remove any teacher or teachers.

By-laws, &c.

Employment of teachers.

Meetings of the board.

Proviso.

SEC. 5. Any two members of the society may call a meeting thereof, by given ten days notice of such meeting, in writing, to be posted up in three of the most public places in said town of Levenworth, at which meeting any business relating to the society may be transacted, except the election of its officers: *Provided*, That in all the meetings of the society, a majority of all its members, in person or by proxy, shall be necessary to constitute a quorum.

Meetings may be recalled.

Proviso.

SEC. 6. The trustees shall cause a record to be kept of

Record of proceedings.

Treasurer shall receive monies.
If no election old officers to continue.

Shares assignable.

their proceedings, and those of the society, in a book to be procured for that purpose, which record shall be open for the inspection of all persons concerned. The treasurer shall receive all monies belonging to the society, and pay the same on the order of the president and trustees, and not otherwise.

SEC. 7. That should no stated annual meeting of the subscribers be had, the officers then acting shall continue their functions, until the next annual meeting.

SEC. 8. The interest or shares in the said seminary, shall be transferable, under such rules and regulations as the trustees may prescribe.

This act to take effect and be in force from and after its passage.

CHAPTER XXXI.

An Act to Incorporate the First School Society in Fayette county.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That James Kerr, Morgan W. Larimore, Thomas Logan, and their associates, are hereby constituted a body corporate and politic, and shall be known by the name of the "First School Society, in Fayette county," and by that name shall have power to sue and be sued, to form a constitution, and to alter the same at pleasure, to make and use a common seal, to hold property real and personal to the amount of five thousand dollars, to buy and sell or otherwise to dispose of the same at pleasure; and shall have power to make by-laws, and to do and perform all other acts necessary to carry this act into full and complete effect, not being contrary to the constitution of this state or of the U. States.

SEC. 2. That the officers of this society, shall consist of a president, secretary, treasurer and three trustees, who shall be elected annually, on the second Monday of March, by the members of said society, and shall serve until others are elected and qualified; and the persons named in this act shall serve as trustees for said society, until the first annual election after the taking effect of this act, and until others are elected and qualified.

SEC. 3. That the trustees and other officers of this society, shall before entering on the duties of their respective offices, take an oath or affirmation, for the faithful performance of their respective duties, before some person authorized to administer the same.

This act to take effect and be in force from and after its publication in the Indiana Democrat.

Corporate style & powers.

Seal.

May hold estate to \$5000.

By-laws.

Officers, and their election.

Oath of officers.

CHAPTER XXXII.

An Act supplemental to an act entitled "an act to Incorporate the Eel River Seminary Society."—Approved, January 1, 1829.

[APPROVED, FEBRUARY 4, 1831.]

Be it enacted by the General Assembly of the state of Indiana, That the Eel river seminary society, shall be and is hereby declared to be the "Cass county, Eel River Seminary Society," and shall hereafter be known and designated by the name and style of the "Cass county, Eel River Seminary Society," and shall enjoy all the rights and privileges which were heretofore given to the Eel river seminary society.

This act to take effect and be in force from and after its passage.

Style of corporation changed.

CHAPTER XXXIII.

An Act to incorporate the Princeton Library Company.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John I. Neely, Charles Harrington, Charles D. Bourne, John Brownlee, Robert Stockwell and Samuel Hall, with their associates, are hereby created and constituted a body politic and corporate, by the name and style of "The Princeton Library Company," and by such name may have perpetual succession, hold, purchase, receive, enjoy, sell and transfer, any property, real and personal, have and use a common seal, sue and be sued, plead and be impleaded, defend and be defended in all courts of judicature.

SEC. 2. There shall be an annual meeting of the members of said society, at the time and place appointed by their constitution, at which time and place the officers of said society named in said constitution shall be elected, who shall continue in office until the next annual meeting, and until their successors are elected. The members of said society may alter and amend their constitution, change the time of the annual meeting, and frame such laws for the government of said society as they shall think proper, the same not being inconsistent with the constitution and laws of this state.

SEC. 3. The officers of said society may make such rules for their own government, and for carrying into effect the objects of the society, not inconsistent with its constitution, as they shall think proper; all which, together with their receipts and disbursements, shall be reported to the annual meeting of the society.

Trustees.

Style and powers.

Annual meetings and elections.

Amendment of constitution.

Rules for society.

Report of receipts and expenses.

CHAPTER XXXIV.

An Act to incorporate the Indiana Historical Society.

[APPROVED, JANUARY 10, 1831.]

Corporate
style and
powers.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Benjamin Parke, John H. Farnham, Bethuel F. Morris and James Blake, with their associates, are hereby created and constituted, a body politic and corporate, by the name and style of the "Indiana Historical Society;" and by such name may have perpetual succession, hold, purchase, receive, enjoy and transfer any property, real and personal, have and use a common seal, sue and be sued, plead and be impleaded, defend and be defended in all courts of judicature whatever.

Annual meet-
ings and elec-
tions.

SEC. 2. There shall be an annual meeting of the members of said society, at the time and place appointed by their constitution; at which time and place the officers of said society named in said constitution, shall be elected, who shall continue in office until the next annual meeting, and until their successors are elected. The members of said society, at such meeting, may alter and amend their constitution, change the time of the annual meeting, and frame such laws for the government of said society, as they shall think proper, the same not being inconsistent with the laws and constitution of this state.

Amendment
of constitu-
tion.By-laws for
society.Rules for offi-
cers.

SEC. 3. The officers of said society may make such rules for their own government, and for carrying into effect the objects of the society, not inconsistent with its constitution, as they shall think proper; all which, together with their receipts and disbursements, shall be reported to the annual meetings of the society.

Society enti-
tled to laws
and journals,
&c.

SEC. 4. The secretary of state shall deliver to the officers of said society one copy of the laws of this state, and one copy of the journals of the senate and house of representatives, which may hereafter be published, and also copies of the laws and journals of former years, where more than five copies of the same for any one year remain in his office. The secretary shall also deliver to the officers of said society, all books and other articles which have been or may be transmitted to his office for the use of said society.

CHAPTER XXXV.

An Act supplementary to an act, entitled "an act to Incorporate a company to make a Turnpike Road from New-Albany in Floyd county, by Greenville, Paoli, Mount Pleasant, and Washington to Vincennes, in Knox county."—Approved, January 29, 1830.

[APPROVED, FEBRUARY 1, 1831.]

Be it enacted by the General Assembly of the state of Indiana, That the town of Fredericksburgh, on Blue river, in Washington county, be and the same is hereby established a point through which the said turnpike road shall be located.

Fredericks-
burgh, a point.

This act to take effect and be in force from and after its passage.

CHAPTER XXXVI.

An Act to re-publish and continue in force the several Acts and Joint Resolutions relative to the permanent Seat of Government, and the Affairs of the Town of Indianapolis.

[APPROVED, JANUARY 24, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That for the purpose of perpetuating and continuing in force the several acts and joint resolutions heretofore passed by the general assembly of this state, relative to the selection of a site for the permanent seat of government for the state of Indiana, the laying out and establishing a town thereon, providing for the sale of lots, establishing the permanent seat of government, and all other matters concerning the donation and the affairs of the town of Indianapolis, the acts and joint resolutions or parts of acts and joint resolutions that are hereinafter recited and printed at length, shall be continued in force, and taken and considered as public acts; and those acts and joint resolutions where the title only and date of approval are hereinafter recited, or where only a part of said acts and joint resolutions are recited at length, the said several acts and joint resolutions or parts thereof that are omitted and published by their titles only, shall be continued in force as private and special acts.

Acts and joint
resolutions
continued in
force.

Public acts.

Private or
special acts.

"An Act appointing Commissioners to select and locate a site for the permanent Seat of Government of Indiana.—(Approved, January 11, 1820.) (See acts of 1819-20, page 18.)

"SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That George Hunt of the county of Wayne, John Conner of the county of Fayette, Stephen Ludlow of the county of Dearborn, John Gilliland of the county of

Commission-
ers named.

Switzerland, Joseph Bartholomew of the county of Clark, John Tipton of the county of Harrison, Jesse B. Durham of the county of Jackson, Frederick Rapp of the county of Posey, William Prince of the county of Gibson, and Thomas Emmerson of the county of Knox, be and they are hereby appointed commissioners to select and locate a site for the permanent seat of government of the state of Indiana.

Governor to give notice when to meet.

To take an oath.

Proceedings.

To appoint a clerk, & sign record of proceedings.

A copy to be filed in the secretary's office.

Certificate of location to be made to register of land office and commissioner of general land office.

Original record to be laid before the next general assembly.

Commissioners compensation.

"SEC. 2. It shall be the duty of the governor, when he may deem it expedient, to give the commissioners aforesaid notice by proclamation, requesting them to meet at the house of William Conner on the west fork of White river, on a day to be named in the proclamation; and the commissioners aforesaid or a majority of them when assembled, after taking an oath or affirmation faithfully to discharge the duties of their office, (which oath may be administered by any one of said commissioners to some one of the others, and by that one to all the others) shall proceed to view, select and locate among the lands of the United States which are unsold, a site, which in their opinion shall be most eligible and advantageous for the permanent seat of government of Indiana, embracing four sections or as many fractional sections as will amount to four sections.

"SEC. 3. The commissioners aforesaid shall appoint a clerk, who shall keep a fair record of their proceedings herein, which shall be signed by each and every of them, and attested by their clerk, a copy of which they shall file in the office of the secretary of state, so soon as they shall have completed the location aforesaid; and the secretary of state shall certify to the register of the land office in whose district such lands shall lie, the town, range and numbers of the sections or fractions so located previous to the sales of such lands, and also forward a certificate of the same to the commissioner of the general land office, within ten days after the same may be filed in his office, and the original record of the proceedings of the commissioners shall be by them laid before the next general assembly, on or before the third day of their session; and the general assembly shall thereupon proceed to establish the permanent seat of government, in and upon the lands so selected and located by the commissioners aforesaid.

"SEC. 4. That the commissioners shall be allowed the sum of two dollars each per day for their services, and also the sum of two dollars for every twenty-five miles each may travel, to and from his respective home, to the place where the commissioners are to meet by the provisions of this act, the amount to be audited by the auditor of public accounts, and to be paid out of any money in the treasury not otherwise appropriated.

"An Act appointing commissioners to lay off a town on the site selected for the permanent seat of Government.—(Approved, January 6, 21, page 44.) 1821.)

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That sections one and twelve east, and west fractional section numbered two, east fractional section numbered eleven, and so much of the east part of west fractional section numbered three, to be set off by a north and south line as will complete four entire sections, or two thousand five hundred and sixty acres of land, in township fifteen north, and range three east of the second principal meridian, being the site selected by the commissioners appointed by an act of the general assembly of this state, approved, January the eleventh, one thousand eight hundred and twenty, entitled "an act appointing commissioners to select and locate a site for the permanent seat of government of Indiana," which appears by the report of the said commissioners, bearing date the seventh day of June, eighteen hundred and twenty, be and the above described land is hereby established as a permanent seat of government of the state of Indiana.]

The site for the seat of government established as located by the commissioners heretofore appointed.

"SEC. 2. There shall be chosen by joint ballot of both houses of the general assembly, three commissioners, for the purposes hereinafter mentioned, who before entering on the duties of their office, shall take and subscribe the following oath or affirmation, to wit: "I A. B. being appointed a commissioner to lay off a town on the site selected as a permanent seat of government, do solemnly swear, (or affirm, as the case may be) to perform the duties of that appointment to the best of my knowledge and ability," which oath any judge or justice of the peace is hereby authorized to administer, and sign a certificate thereof, and deliver the same to said commissioner or commissioners.

Three commissioners chosen and their oath of office.

"SEC. 3. The said commissioners, or a majority of them, shall meet at the site above named, on the first Monday in April next, or as soon thereafter as they conveniently can, and shall proceed to lay out a town on such part of the land selected and hereby established as the seat of government, as they may deem most proper, and on such plan as they may conceive will be advantageous to the state and to the prosperity of said town, having specially in view the health, utility, and beauty of the place. Said commissioners are hereby authorized to employ a skilful surveyor, chainmen and such other assistants as may be necessary in order to survey and lay out said town, agreeably to their directions, who shall first be sworn faithfully to fulfil the several duties that may be assigned them by the provisions of this act; which oath any one of said commissioners is hereby authorized to administer.

When said commissioners shall meet to lay off said town.

May appoint a surveyor.

Surveyor to make out two plats of said town, one of which to be sent to the secretary of state, the other to the agent of said town.

"SEC. 4. It shall be the duty of said surveyor, after laying out said town, to make out two complete copies of the plan of said town, on parchment or good and durable paper, with the proper references and explanatory notes annexed thereto, designating the contents of each lot in square feet, the length of each line binding the same, the width of each street and alley, the contents of each square that may be designated on the plan thereof as public ground, and for what intended, whether for civil or religious purposes, the courses and lengths of all streets and alleys, with their names thereto annexed, noting particularly on said map the variation of the needle from the true meridian; which maps and explanatory notes and references, after being approved of by the said commissioners and by them countersigned, shall be by them disposed of as follows; one copy shall be by them transmitted to the office of the secretary of state, together with the certificates of their oath as prescribed by the second section of this act thereto annexed, on or before the first Monday in December, one thousand eight hundred and twenty-one, which maps and accompanying documents he shall record in the office of state, and lay the original papers before the house of representatives, within eight days after the commencement of the next session of the general assembly; the other copy thereof shall by said commissioners be delivered to the agent appointed under the provisions of this act, at least thirty days previous to the sale of any lots in said town.

The commissioners shall expose the lots of said town to sale having given notice thereof

"SEC. 5. The said commissioners are hereby authorized and required, to offer for sale at public vendue, for the best price they will bring, as many of the lots in said town as they may deem expedient, reserving unsold every second odd number, commencing at number one; they shall advertise the time and terms of sale in at least three public newspapers printed within the state, and in such other newspaper printed without the state as they may deem necessary to give general information of the time of such sales, for at least three months previous to such sale.

Condition & terms of sale of said lots.

"SEC. 6. Every purchaser of any lot or lots, shall at the time of making such purchase, pay into the hands of the agent, one fifth part of the purchase money; the residue to be paid in four equal annual instalments, the purchaser in all cases to have a discount at the rate of eight per cent. per annum, for prompt payment on any instalment, for all monies paid for the purchase of lots.

The commissioners to report their proceedings to the secretary of state.

"SEC. 7. The commissioners shall make a return of their proceedings, a correct account of sales, the aggregate amount thereof, the amount of money paid into the hands of the agent, the number of lots sold and such other information as they may deem necessary, on or before the fourth

Monday in November next, to the secretary of state, who shall lay the same before the next house of representatives within three days after the commencement of the next session of the general assembly.

"SEC. 8. Each commissioner shall receive the sum of three dollars per day, for every day necessarily spent in performing the duties of commissioner; they shall make out their accounts, under their hands and seals, which accounts the auditor shall audit and the treasurer pay, out of the monies arising from the sales of lots in said town, and they shall certify a reasonable allowance to the surveyor, chain-carriers and other assistants; which certificate shall authorize the auditor of public accounts to audit the same, and the treasurer shall pay the same as above named.

Allowance to commissioners and surveyor.

"SEC. 9. There shall be an agent chosen by joint ballot of the general assembly, who shall serve for and during the term of three years, and until a successor be chosen and qualified; which agent shall be commissioned by the governor, and he shall, before entering on the duties of his office, take an oath or affirmation, well and truly to perform the duties of his office, and shall moreover enter into bond with good and sufficient securities to be approved of by the governor, to be made payable to the governor of the state for the time being, and his successors in office, in the penal sum of twenty thousand dollars, conditioned for the faithful performance of the duties of his office, as may from time to time be prescribed by law; and a certificate of the oath or affirmation shall be endorsed on the commission by the person administering the same, as also a certificate of entering into bond shall be endorsed thereon by the secretary of state, in whose office said bond shall be deposited.

An agent to be appointed, to take an oath of office and give bond and security.

"SEC. 10. It shall be the duty of said agent, to attend the sale of the lots as directed by the preceding sections of this act, receive all monies that may be paid into his hands for the purchase of lots in said town, and give the necessary acquittances therefor, give the certificates to purchasers of lots in said town, describing the lot so purchased, the date of such sale, the amount paid in hand, the amount of each instalment and the time they severally become due; and should not said instalments be punctually paid on the day they become due, the said agent shall charge interest thereon at the rate of six per cent. per annum, from the date of such certificate until paid; and when the payments are completed, the said agent is hereby authorized and required to make to such purchaser, or to his legal representative, a deed in fee simple in behalf of the state of Indiana: *Provided however*, That no person or persons who may purchase any lot or lots in said town, adjacent to White river, shall thereby be entitled to any right of ferry, but the sole right of ferry at said town, or

The power & duty of such agent as to receipts of money and conveyances.

Provido; right to ferries reserved for the use of said town.

from off the land belonging to the state in its vicinity, shall always be and remain vested in the said town, any law or usage to the contrary notwithstanding.

Further duties of such agent; to keep a record of his proceedings.

"SEC. 11. It shall be the duty of the said agent to record in a book to be kept by him for that purpose, the map or plan of said town, with all papers belonging to his office; he shall also register in his record book, the number of each lot sold, in the order in which they were sold, the date of the sale, the name or names of the purchaser or purchasers, the amount for which each lot was sold, the amount paid in hand, the balance due, the amount of each instalment, and the time they become due.

On failure of payment lots forfeited, and re exposed to sale.

"SEC. 12. Should any purchaser or purchasers, his, her or their legal representatives, fail to complete their payments within three months after the last instalment becomes due, on any lot or lots sold agreeably to the provisions of this act, the said lot or lots are hereby declared forfeited, and the agent is hereby authorized to take possession thereof in the name of the state, and shall proceed to advertise the said lot or lots again for sale, giving three months public notice in some newspaper printed in this state, of such sale: *Provided*, That the original purchaser may at any time previous to such sale, redeem such lot or lots, by paying up all arrearages and the costs of such advertisement.

Proviso, for redemption.

The agent shall make quarterly returns to the auditor of public accounts.

"SEC. 13. The agent shall transmit quarterly returns of all his proceedings, to the auditor of public accounts, stating particularly the amount of money by him received, the date of receiving each separate sum and from whom received, the number of the lot on which the same was paid, and for which instalment the same was paid, and such other details as may be necessary to explain said quarterly returns; and the auditor shall charge the agent with the amount of monies by him received, agreeably to said returns.

He shall annually pay over to the treasurer of state.

"SEC. 14. The agent shall annually, on or before the first Monday of December, pay into the treasury of the state, all monies that he may receive for the purchase of lots and take his receipt therefor, which receipt he shall produce to the auditor of public accounts, within three days thereafter, who shall thereupon give said agent a credit on the books of his office, and moreover give said agent a quietus for the amount thereof, and shall charge the treasurer with the amount of such receipt, which he shall put on file with the papers of his office.

And on failure to make such payments, suit shall be instituted against him.

"SEC. 15. Should the agent fail to pay over to the treasurer, the monies in his hands, agreeably to the provisions of this act, and produce his receipt to the auditor within the time specified, the auditor shall proceed against said agent, in the same manner as is prescribed by law for proceeding against delinquent sheriffs, and his quarterly returns are

to be taken as conclusive evidence against said agent.

"SEC. 16. The agent appointed by virtue of this act, shall deliver over to his successor in office, all monies, books and papers belonging to or appertaining to his office.

"SEC. 17. Should the office of agent at any time become vacant, the governor is hereby authorized and required to appoint and commission an agent to fill such vacancy, whose commission shall expire at the end of the succeeding session of the general assembly; and the agent thus appointed and commissioned, shall in all respects, during his continuance in office, be governed by the same rules and regulations, be liable to the same penalties for failing to perform the duties of his office, as the agent appointed by the general assembly.

He shall deliver his books, &c. to his successor. Vacancies to be filled by the governor.

"SEC. 18. The agent is hereby authorized and required to take possession of all the lands described in the first section of this act, in the name of the state of Indiana; and it shall be his duty to prosecute to final judgment, every person or persons who shall, after the taking effect of this act, commit any waste of timber on said land; and every such person or persons, on conviction thereof, shall be subject to the same penalties that persons are subject to for similar offences, in the eighth section of an act entitled "an act to prevent waste on lands reserved for the use of schools and salt springs," approved, January the twenty-ninth, one thousand eight hundred and eighteen.

Agent to prosecute for all trespasses committed.

"SEC. 19. It shall be the duty of said agent to keep his office at the town aforesaid, and he shall within nine months after the taking effect of this act, fix his permanent residence therein during his continuance in office.

He shall keep his office at said town.

"SEC. 20. It shall be the duty of the treasurer of state, previous to receiving any of the monies arising from the sale of lots, to file in the office of secretary of state, a bond payable to the governor and his successors in office, in addition to the bond heretofore given by him, for the faithful discharge of the duties of his office, with two or more securities to be approved of by the governor, in the penal sum of twenty thousand dollars, conditioned for the faithful performance of the duties imposed on him by the provisions of this act; and the treasurer shall be allowed, in addition to the salary heretofore given by law, one per centum on all monies received and paid out by him arising from the proceeds of the sale of the lots aforesaid, and the auditor of public accounts shall be allowed one half per cent. on all monies paid into the treasury as aforesaid. The agent shall receive for his services, the sum of six hundred dollars per annum, to be paid quarterly out of the monies arising from the sale of lots.

The treasurer of state to give additional bond.

Allowance to the treasurer and auditor.

Agent's salary

"SEC. 21. The said town, laid out as the permanent seat Indianapolis

the name of
the town.

The secretary
of state shall
notify the
commission-
ers of their
appointment.
The proceeds
of said sale
appropriated.

of government for the state of Indiana, shall be called and known by the name of Indianapolis.

"SEC. 22. It shall be the duty of the secretary of state, to send a written notification to the persons who may be elected commissioners under the provisions of this act, of their appointment, on or before the first day of February next.

"SEC. 23. The monies arising from the sale of lots, shall constitute a fund for the special purpose of erecting the necessary public buildings of the state.

"SEC. 24. This act shall take effect and be in force from and after its publication in the Indiana Gazette."

(Acts of 1821-
22, page 18.)

"An Act legalizing the acts and proceedings of the Commissioners appointed by the last General Assembly to lay off a Town on the site selected for the permanent Seat of Government; and to legalize the report and allowances made and signed by Christopher Harrison, one of the said Commissioners.—(Approved, November 28, 1821.)"

(Acts of 1821-
22, page 135.)

"An Act for the formation of a new County out of the County of Delaware.—(Approved, December 31, 1821.)"

Indianapolis
the seat of jus-
tice for Mari-
on county.
Courts where
holden.

"SEC. 3. The square numbered fifty-eight, in the town of Indianapolis, is hereby declared to be, and is hereby established as the seat of justice for said new county of Marion. The circuit and all other courts of the said county of Marion, shall be holden at the house of John Carr, in the town of Indianapolis aforesaid, until a court-house or other house more suitable can be had; and so soon as the circuit court is satisfied that a more suitable house is provided, they shall adjourn said court thereto; and when a court-house shall be provided, the circuit court of said county shall adjourn thereto; after which time all the courts of said county shall be holden in said court-house.

Appropriation for building a court house.

"SEC. 4. The sum of eight thousand dollars is hereby given to said county, for the purpose of building a court-house, to be paid in three equal instalments out of the money due the state for lots heretofore or hereafter to be sold in the town of Indianapolis, as the instalments thereof respectively become due to the state; and it shall be the duty of the agent for the seat of government to pay the same to the order of the board of county commissioners of said county, or any part thereof, as the aforesaid instalments shall respectively become due, which shall be applied under the direction of the board of county commissioners of said county, for the purpose of building a court-house in the town of Indianapolis, in size at least fifty feet square, to be built of brick of the best quality, and two stories high, to be completed in a workmanlike manner, which shall be commenced within one year from the taking effect of this act, and be completed within three years thereafter; and when the said court-house shall be completed, it shall be for the use of the general assembly, the supreme and federal courts, until a state-

Agent to pay
money to be
commission-
ers.

For what pur-
pose occupied

house shall be completed at the seat of government, and it is hereby made the duty of the board of county commissioners of said county, to carry the provisions of this section of the act into complete effect, according to the true intent and meaning thereof.

Duty of coun-
ty commis-
sioners.

"SEC. 5. Two per cent. out of the future sale or sales of lots in the said town of Indianapolis, shall be and the same is hereby reserved for the use of a county library at the seat of justice of said county; and the agent of Indianapolis shall pay the same over from time to time, to the person or persons who by law may be authorized to receive the same: *Provided, however,* That the money appropriated for the building of the state prison at Jeffersonville shall be first paid.

Two per cent.
reserved for
c'ty. library.

"An Act authorizing the Agent of Indianapolis to lease a Ferry, and for other purposes.—(Approved, January 3, 1822.)"

(Acts of 1821-
22, page 128.)

"SEC. 4. The agent is hereby authorized and directed to sell any part of the unappropriated donation, not exceeding two acres, to any person or persons, for the purpose of making bricks for the improvement of the town.

Agent autho-
rized to sell
two acres for
a brick yard.

"SEC. 5. The agent is hereby instructed to lease to any person who is a citizen of the town, any of the unsold squares within the town boundary, on condition that the lessee cut down and clear off all the wood and timber on said square, in four months from the date of his lease. This condition when complied with, shall be received in lieu of rent by the agent.

He may lease
to the citizens
of the town
unsold squares

"SEC. It is expressly understood, that whenever the legislature shall deem it necessary to order a sale of the lots contained within the squares above leased, that the lessee shall on notice being given by the agent, or any other person for him, three months before the sale, surrender to the agent, or any other person authorized in his place, all lots and squares above leased, without any further trouble or expense to government; the lessee having full power to remove all improvements he may have made on said squares."

When lessee
shall surren-
der possession

"An Act giving the citizens of Indianapolis a public Burying Ground.—(Approved, December 31, 1822.)"

(Acts of 1822-
23, page 28.)

"SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That that lot of ground known by the citizens of Indianapolis by the name of the grave yard, and at present made use of as such, be and the same is hereby appropriated as a public burying ground, and shall contain four acres.

"SEC. 2. The county surveyor is hereby directed to survey and lay off the same, either in a square or in a parallelogram, as may best suit the situation of the ground.

"This act shall be in force from and after its passage."

(Acts of 1822-23, page 76.) "An Act authorizing the State Agent to Rent out the Improved Land on the Donation at Indianapolis, and for other purposes.—(Approved, January 10, 1823.)"

(Acts of 1822-23, page 62.) "An Act to authorize the Agent of State to sell two additional Brick Yards at the town of Indianapolis.—(Approved, January 11, 1823.)"

Agent authorized to sell two additional brick yards
"SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the agent of state for the town of Indianapolis be, and he is hereby directed to sell to the highest bidder, two brick yards containing two acres of ground each, on the same terms the lots were sold at the original sale of lots in said town, and that in making such sale, he be confined to the north, east or south sides of said town.

Form and location thereof
"SEC. 2. The ground so sold for brick yards, shall be laid off in the form of an oblong square, and shall adjoin the boundary of the said town plat, and shall not be located on said boundary, at the end of any of the streets where the state roads enter the town, which have been run in pursuance to an act of the general assembly of this state, passed on the 31st day of December, 1821; but on any street or alley not herein excepted, they may be located in such manner as not to prevent the further extension in a straight direction, of the street or alley on which they are located; and the said agent is hereby authorized to proceed to sell the said brick yards, so soon as he shall receive official notice of this act, by giving at least four weeks notice of such intended sale, by advertisement in the Indianapolis Gazette, Indiana Republican and Indiana Gazette."

Agent shall give notice of sale.

(Acts of 1822-23, page 139.) "An Act for the benefit of Improvers of unsold Lots in the town of Indianapolis.—(Approved, January 10, 1823.)"

"*Be it enacted by the General Assembly of the state of Indiana*, That any person or persons who have improved, or may hereafter improve any unsold lot or lots in the town of Indianapolis, shall have the liberty of removing said improvements within forty days after the sale of said lot or lots, by the authority of this state; but if not removed within said time, the said improvement shall be forfeited to the purchaser or purchasers of said lots."

(Special acts of 1824, page 10.) (Revised laws of 1824, page 370.) "An Act making additional appropriations for the Court-House at Indianapolis.—(Approved, January 2, 1824.)"

"An Act establishing the permanent Seat of Government of the state of Indiana.—Approved, January 20, 1824.)"

Indianapolis the permanent seat of government.
"SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Indianapolis in the county of Marion, be and the same is hereby adopted and established as the permanent seat of government of this state, upon, from and after the second Monday in January, in the year one thousand eight hundred and twenty-five."

"SEC. 3. The use of the court-house on square number fifty-eight in Indianapolis aforesaid, is set apart, reserved and appropriated to the federal court of the United States within this state, as a place to hold their sessions forever, from and after the second Monday in January, one thousand eight hundred and twenty-five; and all persons holding offices of any kind, under or by the authority of the United States, within this state, to discharge the duties whereof, their residence, or regular or occasional attendance is required at the seat of government of this state, are hereby notified of the removal thereof above directed, and required to consider Indianapolis aforesaid, as the permanent seat of government of this state, upon, from and after the said second Monday in January, one thousand eight hundred and twenty-five.

Court house reserved for the use of the federal court.

"SEC. 4. The use of the court-house aforesaid, at Indianapolis, is set apart, reserved and hereby appropriated to the supreme court of this state, as a place to hold their sessions forever, from and after the said second Monday in January, one thousand eight hundred and twenty-five, of which all persons concerned are hereby required to take notice. And all writs, process and documents of every description, which shall be returnable to said court, from and after the date last above named, are hereby declared and made returnable to Indianapolis aforesaid."

Sup. court.

"SEC. 6. The next regular session of the general assembly of this state, shall commence and be holden at the court-house in Indianapolis aforesaid, on the said second Monday in January, one thousand eight hundred and twenty-five, and at no other place or period previous thereto, unless on any extraordinary occasion the governor may convene them at Corydon, the present seat of government, or elsewhere, as provided by the constitution, previous to the said second Monday in January, one thousand eight hundred and twenty-five: and the use of said court-house at Indianapolis, is hereby set apart, reserved and appropriated to the general assembly of the state of Indiana, in which to hold their legislative sessions, from and after the said second Monday of January, one thousand eight hundred and twenty-five, for the term of fifty years, then next ensuing."

General assembly when to convene.

Court house to be occupied by the legislature for fifty years.

"An Act giving further powers to the Agent for the state at Indianapolis.—[Approved, January 31, 1824.]"

[Special acts of 1824, page 88.]

"SEC. 2. That the agent is hereby authorized to lay out, on the north and south sides of the town plat, twenty out-lots, of the same size as the squares in said town plat, so as not to intercept or obstruct any street running through said town plat, and offer the same for sale to the highest bidder, on the fourth Monday in January, one thousand eight hun-

The agent to lay out 20 out lots.

When to be sold.

Shall advertise.

[Special acts of 1824, page 112.]

dred and twenty-five, under the provisions of an act approved, January the 6th, 1821, laying off a town on the site selected for the permanent seat of government.

"SEC. 3. The agent aforesaid shall advertise the same, at least three months, in the newspapers published at Indianapolis, and the several newspapers printed at Salem, Corydon and Madison."

"A Joint Resolution on the subject of the Indianapolis Agency."—[Approved, January 31, 1824.]

"Resolved by the General Assembly of the state of Indiana, That the clerk of the house of representatives be, and he is hereby authorized and directed, to deliver to the auditor of public accounts, the lists of the sales of lots or lands or other public property at Indianapolis, the report of the commissioners and others concerned, together with the documents accompanying the same, which were heretofore returned to the secretary's office, and submitted by him to the house of representatives.

"Resolved, further, That it shall hereafter be the duty of the commissioners, or others superintending the sales of public property at Indianapolis, to make return of their proceedings to the auditor's office, within thirty days after every such sale; and that it shall be the duty of the auditor to record all lists of sales of lots, lands or other public property at Indianapolis, with the reports of the commissioners, or others concerned, which may be delivered to him by the said clerk, or which may be at any time hereafter returned to his office, in the manner aforesaid, and file and preserve the original, with the accompanying documents, among the papers of the office.

"Resolved, further, That it shall be the duty of the auditor, not only to keep a special account with the agent of Indianapolis, of the money actually received and paid out by him, but he shall open a general account with the Indianapolis agency, charging to such account the whole amount of each list of sales returned as aforesaid, and crediting the same with the payments and credits which have been or may be authorized by law, and have been or may be reported to his office by the treasurer of state, or other legal authority.

[Acts of 1825, page 3.]

"An Act giving further powers to the Agent of the State for the town of Indianapolis, and for other purposes.—[Approved, February 12, 1825.]

Agent to make sale of certain reserved lots.

"SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That the agent of the state for the town of Indianapolis, is hereby authorized and required to offer for sale, on the first Monday in May next, all the reserved lots in the town of Indianapolis, which are situated upon Washington street, and between Meridian and New Jersey

streets; also lot number nine, in square number forty-two; lots number nine and five, in square number forty-four; lots number one and five, in square number fifty-seven; and lot number one, in square number sixty-four, giving at least two months notice of the time, place and conditions of such sale, in the newspapers printed in said town of Indianapolis, and in one of the papers printed at Brookville, Madison, Salem, Evansville, and Terre-Haute, and in the Cincinnati Gazette, printed at Cincinnati, and in the Morning Post, published at Louisville, Kentucky.

"SEC. 2. Every purchaser of any of the lots hereby authorized to be sold, shall pay to the agent, at the time of making such purchase, one-fifth part of the purchase-money, the residue to be paid in four equal annual instalments, with interest from the day of sale; and if any of the said several instalments, on any of the said lots, together with the interest thereon, is not paid within three months after they shall severally become due, the said lot, together with the payments which may have been made thereon, shall be forfeited to the state; and it shall be the duty of the agent to take possession of such lot or lots that may have become forfeited, for sale under the terms and conditions specified in this act, giving two months notice thereof: *Provided, however,* That if the said instalments are punctually paid, on or before the days on which they respectively become due, no interest shall be required: *And provided, also,* That the original purchaser of any lot or lots hereby authorized to be sold, may, at any time after the same shall become forfeited, and before the sale thereof, redeem the same, by paying to the agent the amount of the instalment due, with the interest thereon, and the costs of advertising the same.

"SEC. 5. If any person shall cut, bark, bore or otherwise injure or destroy, any tree or sapling standing on the lands of the state adjoining to Indianapolis, he, she or they shall forfeit and pay six dollars for every tree, and four dollars for every sapling so cut, injured or destroyed, one half to the state, and the other to the informer, to be recovered in [an] action of debt before any justice of the peace for the proper township.

"SEC. 7. That the agent of the state for the town of Indianapolis, be, and he is hereby required to lay off one more tier of out lots on the north and south sides of the said town, of the same size and dimensions of the twenty out lots laid off and sold on the twenty-fourth day of January last; which he shall offer for sale at the court house door in said town, on the first day of the next term of the supreme court, to be held on the first Monday in May next, to the highest bidder, on the same credit and terms on which the said last out lots were sold; of which sale the said agent shall give

Public notice to be given.

Payments for lots, how made.

When lots & payments to be forfeited.

Proviso as to interest on payments.

How forfeited lots may be redeemed.

Penalty for injuring or destroying timber.

How to be recovered.

Agent to make sale of out-lots.

When and where.

Terms of sale.

Notice of sale to be given. one month's previous notice by advertising the same in the same public newspapers in which he is directed to publish the sale of in-lots as provided by the first section of this act.

[Acts of 1825, page 11.] Second section of the "Act making Specific Appropriations for the year one thousand eight hundred and twenty-five."—(Approved, February 12, 1825.)

"SEC. 2. *Be it enacted by the General Assembly of the state of Indiana,* That the sum of one thousand dollars, be hereby appropriated out of the fund created by the sale of lots in [and] adjoining the town, to build on lot number one, in square number sixty eight, in Indianapolis, a substantial brick house for the residence of the treasurer of state, to contain the offices of the treasurer and auditor, and a fire proof vault for the better security of the funds and records of the state; and that the treasurer be and he is hereby authorized to contract for the erection of said building with the best bidder therefor, and to direct the form and fashion thereof.

[Acts of 1825-26, page 20.] "An Act to authorize the lessee of the Ferry across White river, near Indianapolis, to erect a dwelling-house on said premises."—(Approved, January 13, 1826.)

Agent to contract for building a dwelling at the ferry.

Rent appropriated to pay therefor. Agent to prescribe the form and site.

"SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the agent of the state for the town of Indianapolis, be authorized to contract with Asahel Dunning, the present lessee of the ferry across White river near Indianapolis, to erect a brick dwelling-house, eighteen feet by thirty feet, two stories high, for the use and accommodation of the lessee of said ferry, and to appropriate the rent which is or may become due from said lessee, towards the erection of said building, and that the agent be directed to prescribe the form and fashion, and to locate a suitable site for the same: *Provided,* That the amount to be paid on such contract, shall not exceed the amount which is or may become due, on the present lease of said ferry held by said Dunning from the state: *And provided also,* That the time for completing such contract, shall not exceed one year from the first day of December 1825."

[Acts of 1825-6, page 61.] "An Act for the Relief of Purchasers of lots in the Town of Indianapolis."—(Approved, January 20, 1826.)

[Acts of 1825-26, page 90.] "A Joint Resolution of the General Assembly, respecting the Court House of Marion county."—(Approved, January 20, 1826.)

No rent to be exacted by the county board. "Resolved by the General Assembly of the state of Indiana, That the board doing county business for the county of Marion, shall not be authorized to exact or receive office rent for the room now occupied in the court house by the secretary of state, for and during the period for which the court house is by law reserved for the use of the state; and that

said board shall not collect any rents from the said secretary and agent of state, for the time said officers have occupied said rooms.

"A Joint Resolution respecting the Agent of the State at Indianapolis." [Approved, January 20, 1826.]

[Acts of 1825-26, page 93.]

"Resolved by the General Assembly of the state of Indiana, That the agent of the state for the affairs of Indianapolis, be and he is hereby required to procure the necessary books in which to enter, in the form of double entry, a detailed account of all monies which have or may be received on account of sales of lots, and all other sources from which money has or may be received, together with the disposition made of such fund, whether by appropriation or otherwise; and it is further made the duty of said agent, to procure and preserve a copy of all papers in any manner connected with said agency, and file the same in his office.

"An Act to authorize the sale of a site for a Steam Mill at Indianapolis." [Approved, January 26, 1827.]

(Acts of 1826-27, page 3.)

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the agent of the state for the town of Indianapolis, be, and he is hereby directed to sell at public auction, on the first Monday in March next, on the same terms and credits, and under the same regulations as were prescribed for the first sale of lots in said town, a quantity of ground, not exceeding seven acres, belonging to the state, on White river and adjoining thereto, either above or below the ferry on said river, owned by the state, to be by said agent laid off and surveyed in such form and manner, as in his opinion will best answer the purpose designed; which piece of land shall be sold for the purpose of affording a site for the erection of a steam mill and appurtenant machinery, and other manufactory establishments, and residences for the workmen and labourers, artists and superintendents thereunto belonging; and if such steam mill and appurtenant machinery shall be erected at the time the last installment due for the purchase of said ground shall become payable, and the whole sum due shall then be actually paid, the said agent shall convey the said piece of ground to the purchaser or purchasers, his or their heirs or assigns forever: *Provided,* That the said steam mill and appurtenances, shall be in his opinion, or in fact, worth three thousand dollars; and on failure of the purchaser or purchasers, his or their heirs or assigns, to erect such steam mill and appurtenances within the time aforesaid, and to the value aforesaid, the said piece of ground with its appurtenances, and any installments paid thereon, shall revert to the state of Indiana.

Agent to sell a site for a steam mill.

Condition of forfeiture.

"SEC. 2. The said agent shall immediately give notice of

Notice of sale to be given. the time, place and conditions of said sale, by publication thereof in the Indiana Journal.

When conveyance may be executed. "SEC. 3. The said agent, shall at any time execute the conveyance for the said piece of ground to the purchaser or purchasers thereof, his or their heirs or assigns: *Provided*, That the full amount of the purchase money shall be first paid, and the steam mill and appurtenant machinery shall first be erected thereon, as in the first section above prescribed.

"This act to take effect and be in force from and after the passage thereof."

[Acts of 1826-27, page 4.] "An Act providing for the erection of an Office for the Clerk of the Supreme Court, and for other purposes."—[Approved, January 26, 1827.]

Appropriation. Description of building. Location. "SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That a sum not exceeding five hundred dollars, be, and the same is hereby appropriated for building a clerk's office for the clerk of the supreme court; which office shall be built of brick, fire proof, one story in height, and thirty-six feet in length, by eighteen in width, to be located on the west side of block fifty-eight, being the block on which the court house now stands."

Appropriation for house for the executive on governor's circle. "SEC. 4. *Be it further enacted*, That the sum of four thousand dollars, be, and the same is hereby appropriated out of the fund aforesaid, in the hands of the treasurer of state to erect on the governor's circle in the town of Indianapolis, a suitable house for the residence of the executive of this state, and that said agent and treasurer be and they are hereby authorized to contract for the erection of said building, with the lowest and best bidder therefor, on such terms and conditions as they may think advantageous to the state and to direct the fashion and form thereof; which building shall be completed on or before the first day of December next.

This act shall take effect and be in force from and after its passage.

[Acts of 1826-27, page 5.] "An Act authorizing an additional sale of lots in the town of Indianapolis, and for other purposes."—[Approved, January 26, 1827.]

Agent to sell certain lots in Indianapolis. "SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the agent of the state for the town of Indianapolis, be hereby authorized and required, to offer for sale, on the first Monday in May next, all the lots in said town which have heretofore been offered for sale and have been relinquished to the state, and all the reserved lots in said town which are situated in the squares in which lots have been offered for sale, except the lots in certain blocks hereinafter excepted, by giving such notice in the public

newspapers as the said agent may think advisable: *Provided* *however*, the lots in blocks forty-eight, fifty-four, sixty-eight, and fifty-two, on the plat of said town, and lots numbered one and two, in square sixty-nine; lots four, five and six, in square forty-nine; and lots nine and ten, in square sixty-seven; are excepted out of the provisions of this act, and are hereby reserved from sale.

"SEC. 2. The lots hereby authorized to be sold, shall be sold on the same terms, conditions and restrictions as are specified in the second section of the act giving further powers to the agent of state for the town of Indianapolis, and for other purposes, approved, February 12, 1825.

"SEC. 3. [That the alleys passing or running through the squares, numbered on the plat of said town, one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, together with square numbered eighty, eighty-four, and eighty-five, are hereby vacated so far as the same extend through said blocks, and the said agent is hereby authorized and required to sell said squares, with the alleys so vacated, on the day aforesaid, on the same terms and conditions as specified in the acts authorizing the sale of out-lots in the town of Indianapolis: *Provided, however*, the said agent may divide the said squares numbered eighty, eighty-four, and eighty-five, previous to the said sale, into as many lots as he may deem necessary for the convenience of purchasers, and for the better sale thereof: *Provided, however*, That nothing herein contained, shall be so construed as to authorize the sale of any block of lots which may have been leased out by the agent of state for the said town of Indianapolis, if said agent shall think the lessee has not enjoyed the premises a sufficient time to pay such lessee for his improvement made thereon: *Provided, also*, That the agent shall not lease out any improvement made on the donation, which the improver may not have occupied or possessed a sufficient time, at a fair estimate, to compensate him for such improvement.

"SEC. 4. It shall be the duty of the treasurer and auditor of state, together with said agent, previous to the day of sale, to fix upon a minimum price, below which said lots shall not sell. And if any lots remain unsold, after having been offered at public sale, the said agent is hereby authorized to dispose of them at private sale, at any time thereafter, at the said minimum price, on the same terms and conditions as herein before specified.

"SEC. 5. That the square numbered twenty-two, be and

Squares for hospital and university reserved.

the same is hereby set apart for the use of a state hospital and lunatic asylum, and square numbered twenty-five, for a state university, and the alleys, so far as they extend through the said blocks, are hereby vacated.

"SEC. 6. That all persons who may have failed to avail themselves of the benefit of the provisions of the law of the last session of the general assembly, passed for the relief of purchasers of lots in the town of Indianapolis, approved, January 20, 1826, be, and they are hereby permitted to avail themselves of the provisions of the above named act; and the agent of state is hereby authorized to receive the relinquishment of all said persons, of as many lots so purchased and not paid up for as aforesaid by them, as they may think proper to relinquish; and said agent may receive money, in full payment of any or all such lots, under the provisions of the act aforesaid, if such persons shall apply to said agent on or before the first of June next. And it shall be the duty of said agent to appraise and sell, not below the minimum price, all such lots in the town of Indianapolis, as are permitted by this act to be relinquished and paid out, on or before the first day of June next, if such lots should become forfeited to the state; which sale and appraisal shall be in the same manner and on the same terms as are prescribed by the fourth section of this act, in cases of lots sold at public sale: *Provided, however,* That if any two or more persons shall make application to purchase any lot which the agent is authorized to sell at private sale, at the same time, he shall sell the same to the highest bidder.

"This act to take effect and be in force from and after its passage."

(Acts of 1826-27, page 3.) "An Act for raising the Salary of the Agent of the State for the town of Indianapolis.—Approved, January 25, 1827.

"Be it enacted by the General Assembly of the state of Indiana, That from and after the first day of January, eighteen hundred and twenty-seven, the salary of the agent of state for the town of Indianapolis shall be two hundred dollars per annum, to be paid in the manner heretofore directed by law.

"This act to be in force from and after its passage."

(Acts of 1826-27, page 51.) "An Act for the relief of Asabel Dunning.—Approved, January 27, 1827."

(Acts of 1827-28, page 3.) "An Act making an appropriation for the completion of the house for the Executive of State, and for other purposes.—Approved, January 21, 1828."

(Acts of 1827-28, page 76.) "An Act for the relief of purchasers of lots in the town of Indianapolis, which have become forfeited to the State.—Approved, January 21, 1828.

"Be it enacted by the General Assembly of the state of Indiana, That all monies which have been paid by any purchaser or purchasers of lots in the town of Indianapolis, to the agent of said town, as partial payments for lots by him or them purchased, and which lot or lots may have become forfeited to the state, be and the same is hereby made receivable by said agent as cash, in any payment hereafter to be made by any debtors to the state, on any lot or lots that have been or may hereafter be sold by said agent under the provisions of any act of the general assembly, heretofore passed on the subject, by the original purchaser or purchasers of such forfeited lot or lots, his, her or their assignee or assignees surrendering to the said agent the certificate or certificates of purchase of the lot or lots forfeited as aforesaid.

This act to be in force from and after its passage.

"A Joint Resolution requiring certain duties to be performed by the Agent of State for the Town of Indianapolis."—Approved, January 28, page 135. 24, 1828.

"A Joint Resolution respecting certain lots in the Town of Indianapolis."—Approved, January 24, 1828.

"Be it resolved by the General Assembly of the state of Indiana, That lots numbered seven and eight, in block numbered forty-six, be, and the same are hereby reserved from sale and set apart for a garden and stable lot for the use of the governor of this state.

This resolution to take effect and be in force from and after its passage.

"An Act for the relief of purchasers of out-lots adjoining the Town of Indianapolis, under the acts approved, January 31, 1824, and February 12, 1825."—Approved, January 22, 1829. Acts of 1822-29, page 88.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That no out-lot or out-lots sold in pursuance of an act of the general assembly, approved, January 31, 1824, shall be considered as forfeited to the state, in consequence of a failure to complete the payments thereon, prior to the first day of November 1830. Out-lots sold under act of 1824.

SEC. 2. That no out-lot or out-lots purchased in pursuance of an act of the general assembly, approved, February 12, 1825, shall be considered as forfeited to the state in consequence of a failure to complete the payments thereon prior to the first day of November 1831. And under act of 1825, not forfeited for non-payment.

This act to be in force from and after its publication in the Indianapolis Gazette.

CHAPTER XXXVII.

An Act to authorize the Agent of the State for the Town of Indianapolis, to lay off the lands belonging to the state into lots, and offer the same for sale.

[APPROVED, FEBRUARY 9, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the agent of state, for the town of Indianapolis, be authorized and required, to cause the lands around the said town, belonging to the state, to be accurately surveyed and divided into lots, according to the plan designated on the plat presented by the said agent to the house of representatives, and cause the corners and boundaries thereof, to be distinctly marked and numbered, as marked on said plan; also place some permanent monument, of each corner of said town as originally laid out, and at the outside corners of each congressional section which composes the donation.

Survey authorized and mode thereof.

Two maps to be made out.

Maps, how disposed of.

Agent, treasurer and auditor shall fix minimum value on lots & list shall be recorded.

Sale authorized and when.

SEC. 2. [It shall be the further duty of the said agent, so soon as the survey is completed, to cause to be made out, two complete maps or plats of the town of Indianapolis, designating the names and width of the several streets and alleys, the number and size of the several squares, designating those that are set apart for public purposes, the number and size of the several in-lots, and the number and size of the several out-lots, as now established by law, and also the form, the courses and distances of their boundaries, the content and the number of the several lots, and the width and courses, of the several streets and alleys, by this act authorized to be laid out; which maps or plats, shall be securely folded, varnished and bound, one of which shall be deposited in the office of the recorder of Marion county, who shall endorse thereon a certificate of the time of depositing the same, and the plat so deposited shall be considered a public record; and the other plat shall be deposited in the office of said agent.]

SEC. 3. So soon as the survey and marking of the said lots are completed, the agent, with the treasurer and auditor of state, shall examine the said lots, and fix upon each a minimum price, below which they shall not be sold, and make out a list of said lots, with the prices affixed, which shall be recorded by the agent, on the books in his office.

SEC. 4. The agent shall offer for sale, to the highest bidder, on the first Monday in May next, and from day to day thereafter, until all are offered for sale, the several lots here-in authorized to be laid out, together with squares eighty-six, eighty-seven, eighty-eight, and eighty-nine, and any block of lots which the agent was authorized to reserve from sale, where he might think the lessee had not had the same a sufficient time to pay for the improvements, under the act authorizing an additional sale of lots in the town of Indiana-

polis, approved, January 26, 1827, as designated on the plat above mentioned: *Provided,* That when any crop is growing on any such square or lot at the time of sale, the purchaser thereof shall be entitled to possession, as soon as a reasonable time transpires for the occupant, under the state, to gather such crop, at the usual season of gathering, except the lots marked for the use of the ferry, and the lot numbered one hundred and thirty-four, giving two months notice of the time, place and terms of the sale, in the newspapers published in Indianapolis, and in : *Provided,* That if any of the said lots or parts of lots have been leased for a term that will not expire on or before the day of sale, such lots shall not be offered for sale, unless the lessee will surrender his lease before the day of sale.

Notice of sale

SEC. 5. Every purchaser of any lot hereby authorized to be sold, shall, at the time of making such purchase, pay to the agent, one fourth part of the purchase money, the residue to be paid in three equal annual instalments; and if any of the payments shall not be made on the days they respectively become due, the lot and the money paid thereon shall be forfeited to the state, and the agent is authorized and required to take immediate possession of all lots that may be forfeited, by the non-payment of the instalments, as they become due, and the same may thereafter be subject to re-entry, by any person offering to pay the price at which such lot or lotswere appraised, and under the same restrictions and limitations, as if the same had been purchased at public sale; and if two or more persons apply to said agent, at one and the same time, to make a re-entry of any lot which has been forfeited, or to purchase any lot not bid off at the public sale, the agent shall set up said lot to the highest bidder: *Provided however;* That it shall be the duty of the agent to enjoin and restrain any purchaser or occupant of any lot or lots, from making or burning bricks, on any lot sold under the provisions of this or any other act, previous to full payment being made thereon by the purchaser, or his assignee, unless such purchaser or his assignee shall give bond to the agent, with approved security, for the payment of the purchase money, to the acceptance of said agent.

One fourth of purchase money to be paid at time of sale and the balance in three annual payments, and forfeiture for non-payment.

Brick yards restrained.

SEC. 6. It shall be the duty of the agent, to register in his books, the number and content of each lot sold, the day of sale, the name of the purchaser, the amount of the purchase money, the amount of each remaining instalment, and the times at which they shall respectively become due; and shall also give to each purchaser, a certificate of purchase, specifying the same facts, and also stating that the said lot and the money paid thereon, will be forfeited to the state, upon failure to pay any of the instalments, at the times they become due; and when the payments on any lot are completed,

Agent's books how kept:

Certificate of purchase.

Deed.

the agent is authorized and required, to make to the purchaser, his assigns or legal representatives, a deed in fee simple, in behalf of the state; and that said agent shall keep a book, wherein he shall enter the name or names of the original purchaser, and when the original purchaser has assigned his certificate to said lot or lots, shall enter the names of the several assignees, together with the time when such purchaser or assignee shall receive any deed to such lot or lots.

Private sales authorized.

SEC. 7. If any lot shall remain unsold, after having been offered at public sale, the agent is authorized to dispose of the same at private sale, at any time thereafter, at the minimum price, on the same terms and conditions as herein before specified.

SEC. 8. Where improvements have been made, on any lot or leased block or square, the value of which shall exceed the value of said lot or block in its unimproved state, the agent of state is authorized to sell such lot or block, to the owner of such improvement, at valuation, on payment being made in hand, or the payment of the same to be secured by bond and approved security, to the acceptance of said agent, in three equal annual instalments.

This act to take effect and be in force from and after its passage.

CHAPTER XXXVIII.

An Act supplemental to an act providing for a sale of the Donation Lands around Indianapolis.

[APPROVED, FEBRUARY 10, 1831.]

Agent's office hours.

He shall keep up a map, &c.

His salary for 1831.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That hereafter the office of the agent of the state for the town of Indianapolis, shall be kept open at all reasonable hours for the transaction of business, (Sundays excepted) and the said agent shall keep up in said office, at all times, a map distinctly designating the lots in town, and the out-lots and blocks on the donation, on which he shall note the entries made from time to time, so that purchasers may at all times be apprized of the lots, out-lots or blocks subject to entry.

SEC. 2. That for the year one thousand eight hundred and thirty-one, the salary of the said agent shall be three hundred dollars, payable out of the Indianapolis fund, which shall be in full of all his services, including the additional duties devolving on him by the sale of the donation lands, together with all extra duties enjoined upon him, and in full of all claims for office rent.

This act to be in force from and after its passage.

CHAPTER XXXIX.

An Act for the relief of Purchasers of Out-Lots adjoining the town of Indianapolis.

[APPROVED, JANUARY 6, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the benefits and privileges of an act entitled "An act for the relief of purchasers of lots in the town of Indianapolis," approved, January 20th, 1826, and also an act entitled "An act for the relief of purchasers of lots in the town of Indianapolis which have become forfeited to the state," approved, January 21st, 1828, be and the same is hereby extended to purchasers of out-lots adjoining the town of Indianapolis, which were sold and purchased in pursuance of an act entitled "An act authorizing the agent of the state for the town of Indianapolis, to sell certain out-lots adjoining the town of Indianapolis," approved, January, 1824, and also an act entitled "An act giving further powers to the said agent, and for other purposes," approved, January, 1825: *Provided, however,* That the relief intended by the provisions of this act shall not be extended to the owner or holder of the certificate of any out-lot, which has, in the estimation of the agent of state been lessened in its original value, by making or burning brick thereon, or by the destruction of the timber since the sale of said out-lot.

Benefits of acts of 1826 and 1828, extended to purchasers of out lots, &c.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XL.

An Act in addition to an act entitled "An act to authorize the sale of a site for a Steam Mill at Indianapolis," approved, January 26, 1827.

[APPROVED, JANUARY 6, 1831.]

Be it enacted by the General Assembly of the state of Indiana, That the time allowed the purchaser or purchasers, his or their heirs or assigns, to complete the erection of a steam mill and appurtenant machinery, on a lot of donation land sold for that purpose, under an act of the general assembly entitled "An act to authorize the sale of a site for a steam mill at Indianapolis," approved, January 26, 1827, be, and the same is hereby extended for and until the term of twelve months, from and after the expiration of the time limited in said law.

Time to build mill extended

This act to be in force from and after its passage.

CHAPTER XLI.

An Act to establish a College in the state of Indiana.

[APPROVED, JANUARY 24, 1828.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That there shall be, and hereby is created and established, a college, adjacent to the town of Bloomington, in the county of Monroe, for the education of youth in the American, learned and foreign languages, the useful arts, sciences and literature, to be known by the name and style of the Indiana College, and to be governed and regulated as hereinafter directed.

College established.

SEC. 2. There shall be a board of trustees appointed, consisting of fifteen persons, residents of this state, who shall be, and hereby are constituted a body corporate and politic, by the name of "The Trustees of the Indiana College," and in their said corporate name and capacity, may sue and be sued, plead and be impleaded, in any court of record, and by that name shall have perpetual succession.

Number of trustees and their corporate powers.

SEC. 3. The said trustees shall fill all vacancies which may happen in their own body, elect a president of the board, secretary, treasurer, and such other officers as may be necessary for the good order and government of said corporation, and shall be competent at law and in equity to take to themselves and their successors, in their said corporate name, any estate, real, personal, or mixed, by the gift, grant, bargain, sale, conveyance, will, devise, or bequest of any person or persons whomsoever, and the same estate, whether real or personal, to grant, bargain, sell, convey, demise, let, place out on interest, or otherwise dispose of, for the use of the said college, in such manner as to them shall seem most beneficial to the institution, and to receive the rents, issues, profits, income and interest thereon, and apply the same to the proper use and support of the said college, and generally, in their said corporate name, shall have full power to do and transact all and every the business, touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person, body politic or corporate may or can do, in the management of their own concerns, and to hold, enjoy, exercise and use the rights, powers and privileges incident to bodies politic or corporate, in law and in equity.

Vacancies, how filled.

Powers of the trustees, as to the college fund, &c.

SEC. 4. The said trustees shall cause to be made for their use, one common seal, with such devices and inscriptions thereon as they shall think proper, under and by which all deeds, diplomas, certificates and acts of the said corporation shall pass and be authenticated.

Seal.

SEC. 5. The said trustees, or a majority of them, shall

meet at Bloomington, in the county of Monroe, on the first Monday in May next, and after severally taking an oath or affirmation, faithfully and impartially to discharge the duties by this act enjoined, shall proceed to organize a board, by electing one of their members as president; and the board, when so formed, shall appoint a secretary and treasurer, who shall severally, before entering upon the duties of their respective offices, take an oath or affirmation, faithfully and impartially to perform the duties appertaining to their respective offices; and the treasurer shall give bond, with three or more securities, to be approved by said trustees, in the sum of twenty thousand dollars, payable to the state of Indiana, and conditioned for the faithful discharge of the duties of his office of treasurer to said corporation; and which bond, executed and approved as aforesaid, shall be deposited in the office of the treasurer of state.

Officer's oath and organization of board.

Treasurer's bond.

SEC. 6. The said board of trustees, when organized in manner aforesaid, shall forever thereafter determine the time of their future meetings, the manner of notifying the same, and act on their own adjournments, as to them shall seem most expedient, and shall, from time to time, as occasion may require, make and ordain reasonable rules, ordinances and by-laws, with reasonable penalties, for the good government of the college and the regulation of their own body, not repugnant to the laws and constitution of this state.

Meeting of the board.

By-laws, &c.

SEC. 7. The said board of trustees shall, from time to time, as the interest of the institution may require, elect a president of said college, and such professors, tutors, instructors and other officers of the same, as they may judge necessary for the interest thereof, and shall determine the duties, salaries, emoluments, responsibilities and tenures of their several offices, and designate the course of instruction in said college.

President and professors.

SEC. 8. The said board of trustees shall have full power to remove any one of their own body, for misconduct, breach of the by-laws, or gross immorality, and may, at any time they may deem it necessary for the good of the institution, remove any of the officers of said college or corporation, and others appoint in their stead.

Power of removal from office.

SEC. 9. The president, professors, and tutors, shall be styled the faculty of said college; which faculty shall have the power of enforcing the rules and regulations adopted by the said trustees for the government of the students, by rewarding or censuring them, and finally by suspending such as, after repeated admonition, shall continue refractory, until a determination of a quorum of the trustees can be had thereon; and of granting and conferring, by and with the approbation and consent of the board of trustees, such degrees in the liberal arts and sciences, as are usually granted and

Faculty and their powers.

conferred in other colleges in America, to the students of the college, or others who by their proficiency in learning or other meritorious distinction, may be entitled to the same, and to grant unto such graduates, diplomas, or certificates, under their common seal, and signed by the faculty to authenticate and perpetuate the memory of such graduations.

Professor shall not be a trustee.

SEC. 10. No president, professor, or other officer of the college, shall, whilst acting in that capacity, be a trustee, nor shall any president, professor, tutor, instructor or other officer of the college, ever be required by the trustees to profess any particular religious opinions, and no student shall be denied admission, or refused any of the privileges, honours, or degrees of the college, on account of the religious opinions he may entertain, nor shall any sectarian tenets or principles be taught, instructed or inculcated at said college, by any president, professor, tutor, or instructor thereof.

No religious test.

First trustees.

SEC. 11. That Edward Borland, Samuel Dodds, Leroy Mayfield, Jonathan Nichols, James Blair, David H. Maxwell, William Bannister and William Lowe, of the county of Monroe, George H. Dunn, of the county of Dearborn, Christopher Harrison, of the county of Washington, Seth M. Levenworth, of the county of Crawford, John Law, of the county of Knox, Williamson Dunn, of the county of Montgomery, Ovid Butler, of the county of Shelby, and Bethuel F. Morris, of the county of Marion, shall be, and hereby are appointed trustees, agreeably to the provisions of this act, and shall hold their first meeting as herein before directed; and should a majority of them (who shall at all times be necessary to constitute a quorum for the transaction of business,) fail to meet on the said first Monday in May, the governor of this state is hereby authorized and required to appoint some subsequent day for the meeting of said trustees, giving to each of them twenty days notice thereof in writing, and said trustees, or a majority of them when convened in pursuance of such notice, shall proceed to organize the board in manner herein before directed; and the president of the college shall be empowered to call occasional meetings of the trustees, in such manner as the board of trustees may by their by-laws direct.

College fund.

SEC. 12. That all monies, arising from the sale of the seminary townships, in the counties of Monroe and Gibson, shall be, and forever remain a permanent fund, for the support of said college, and the interest arising from the amount of said sales, together with the three reserved sections in the seminary townships, situated in the county of Monroe, and all the buildings which have been erected adjacent to the town of Bloomington, in said county of Monroe, for the use of the state seminary, with all the real and

personal property of every description belonging to, or connected with said state seminary, as the property of the state, and all gifts, grants and donations which have been or hereafter may be made, for the support of the college, shall be, and hereby are forever vested in the aforesaid trustees and their successors, to be controlled, regulated and appropriated by them, in such manner as they shall deem most conducive to the best interest and prosperity of the institution: *Provided*, That the said trustees shall conform to the will of any donor or donors, in the application of any estate which may be given, devised or bequeathed for any particular object connected with the institution, and that the real estate hereby vested in the said trustees and their successors, shall be by them held forever for the use of said college, and shall not be sold or converted by them to any other use whatsoever.

SEC. 13. That Benjamin Parke, of the county of Washington, James Scott, of the county of Clark; Jesse L. Holman, of the county of Dearborn, Isaac Blackford, of the county of Knox, and George Bush, of the county of Marion, shall be, and are hereby appointed a board of visitors, any three of whom shall constitute a quorum for the transaction of business, whose duty it shall be annually to visit said college, examine the situation of the property both real and personal of said college, inspect the course of instruction adopted by the said trustees and practised by the faculty of said college, also the proceedings of said board of trustees, and their by-laws, and recommend to said board of trustees such alterations and amendments as they may deem necessary for the good of the institution, and also to inquire into the financial concerns of said corporation, by examining the books of the treasurer thereof, and make a report of their examination, inspections and inquiries to the governor of this state, to be by him laid before the general assembly thereof. The above named persons shall constitute the board of visitors of said college, until the general assembly, by a joint resolution of both houses, shall appoint other persons in their stead.

Board of visitors, and their duties.

Report to general assembly.

SEC. 14. That it shall be the duty of the secretary of said corporation, to keep a true and faithful record of all the proceedings of said board of trustees, in a suitable book, to be procured by them for that purpose, and make such copies and transcripts of the orders and proceedings of said board of trustees as may from time to time be required, and the same duly certify, under the seal of the corporation; and for his services he shall receive such compensation as said trustees may from time to time allow, to be paid out of any funds in the treasury of said corporation not otherwise appropriated.

Secretary and his duties.

Treasurer and his duties.

SEC. 15. That it shall be the duty of the treasurer of said corporation, to keep a full, true and faithful account of all monies by him received, by virtue of his said office, in suitable books to be for that purpose provided, and pay such monies out from time to time as may be required by, and upon the order of said board of trustees, duly certified by the secretary; and keep a similar account of all such disbursements, and furnish the said board of trustees, whenever they may require the same, a full, true and complete statement of such receipts and disbursements, and exhibit to them for their inspection, his original books of entry, and also submit his books to the inspection and examination of the board of visitors of the college, and shall moreover annually transmit to the governor of this state, to be by him laid before the general assembly thereof, a true and complete statement of the annual receipts and expenditures of said corporation; and should said corporation ever be dissolved by legislative enactment, or otherwise, it shall in such case be the duty of said treasurer, to pay over and deliver to the treasurer of state, for the use of this state, all monies and funds in his hands belonging to said corporation at the time of such dissolution, and should any treasurer of said corporation at any time be guilty of any defalcation in the discharge of the duties of his said office, the said trustees shall have the right of an action therefor, against said treasurer and his sureties on his official bond, in the name of the state of Indiana, for the use of said trustees, and of prosecuting the same to final judgment and recovery, or in case of dissolution of said corporation, such action shall be sustained for the use of the state.

May be removed.

SEC. 16. That the constitution of the said college herein and hereby declared and established, shall be and remain the inviolable constitution of said college, and the same shall not be changed, altered or amended by any law or ordinance of the said trustees, nor in any other manner, than by the legislature of this state.

This act to take effect and be in force from and after its passage.

CHAPTER XLII.

An Act to provide for the distribution of the Laws and Journals, and for other purposes.

[APPROVED, FEBRUARY 10, 1831.]

Contract to be made for

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the secretary and treasurer of state, and auditor of public accounts, or a majority of them, are hereby

required, annually hereafter, to make and close, on the behalf of the state of Indiana, a contract or contracts, with one or more printer or printers, at least one hundred days before the first day of the next general assembly, for all the public printing that may be required for one year ensuing the date of such contract, upon the most advantageous terms, giving the contract to the lowest responsible bidder, taking into view the manner, time and place of doing the same.

printing annually.

SEC. 2. The contract or contracts so made with any such printer or printers, shall specifically require such printer or printers, to do and perform all the printing which may be by them done and performed under such contract, with immediate despatch, and in a good, neat and workmanlike manner, without any delay whatever; and that the journals of the senate and house of representatives, and the laws and journals of each session of the general assembly, shall be printed, stitched, and ready to deliver to the secretary of state, within twenty-five days after the rising of the general assembly.

Terms of printing contract.

SEC. 3. That the said secretary, treasurer and auditor, shall take bond of such printer or printers, payable to the state of Indiana, in the sum of five thousand dollars, conditioned for the true and faithful performance of their contract, with at least two sufficient securities; and the condition of said bond shall specifically state all the particulars of said contract.

Printer's bond.

SEC. 4. That the secretary of state be, and he is hereby required to make an index and marginal notes, to the acts and joint resolutions of each session of the general assembly, and furnish the same to the state printers, together with a true copy of the acts, joint resolutions and memorials, in due time, so as not to delay the printer in the doing and completing of the printing: and in printing the acts, joint resolutions and memorials, the names of the speaker of the house of representatives, president of the senate and governor, shall not be printed, but immediately after the title, the date of approval shall be printed.

Secretary of state shall make indexes and notes and copy the laws for printer.

Speaker, president and governor's names to be omitted.

SEC. 5. It shall be the duty of the secretary of state, so soon as the printing of the laws shall annually be done, to certify the fact that he had compared the printed with the enrolled acts, joint resolutions and memorials, and found them correctly printed; which certificate shall be signed and dated by the secretary, and annexed in print to the volumes of the acts, joint resolutions and memorials. And when the printing is finally completed, and the copies delivered to the secretary of state, he shall give to the said printer, a certificate containing a detailed account of all the printing done by said printer for the state, and not

Secretary of state shall certify that laws are correctly printed.

And the amt. of printer's account.

for, together with the total amount due therefor; which certificate, under the hand and seal of such secretary, shall be a sufficient voucher for the auditor of public accounts to audit the same, and give to such printer a warrant on the treasury for the same; which the treasurer of state shall pay out of any money in the treasury not otherwise appropriated.

How annual laws & journals shall be distributed to officers, states and territories

SEC. 6. The copies of the general laws, passed or ordered to be re-printed at the present session, when bound and delivered to the secretary of state, and the copies of the acts, joint resolutions and memorials of every subsequent session, when so delivered and ready for distribution, shall be in part distributed as follows, to-wit: to the governor, lieutenant-governor, secretary, auditor and treasurer of state, each one copy; to the United States' judge and district attorney for the district of Indiana, one copy each; the judges of the circuit, supreme and probate courts, each one copy; to the circuit prosecuting attorneys, each one copy; to the several states and territories of the United States, such number of copies not exceeding three, as may be received at the secretary's office from them respectively; to the members of the senate and house of representatives, the secretaries, regular clerks, each one copy; and the secretary of state shall forward the same to the aforesaid persons, by mail or otherwise, except that the volumes to be sent to members of the legislature, the clerks, secretaries, and the supreme, circuit and probate judges, and circuit prosecuting attorneys, shall be forwarded to the counties where they respectively reside, by the distributors, with the other copies of the laws sent to such counties.

To counties.

SEC. 7. The residue of said copies shall be disposed of as follows, to-wit: to the counties of Wayne, Dearborn and Washington, fifty-five copies; the counties of Harrison, Jefferson, Clark, Franklin, Orange, Knox, Fayette, Union, Switzerland, Jackson, Lawrence, Monroe, Sullivan, Vigo, Marion, Putnam, Montgomery, Tippecanoe, Parke, Fountain, Gibson, Bartholomew, Posey, Ripley, Decatur and Rush, fifty volumes each; and all other counties forty-five volumes each; and the said volumes, so to be delivered to each of the aforesaid counties, shall be delivered to the clerks of the several counties, except in cases where there may be no clerk, in that case the same shall be delivered to the sheriff of such county; and the said volumes, when so delivered to such clerks or sheriffs, shall be distributed by such clerks or sheriffs, as follows, to-wit: to the associate judges, justices of the peace, clerk of the court, recorder of the county, sheriff and coroner, and each county commissioner, one volume each.

To county officers.

SEC. 8. The copies of the journals of each house shall be

distributed in equal proportion, among the members of the respective houses; that is, to the members of each house, its own journals; which said journals shall be delivered to the said clerks and sheriffs of the several counties, in the same way, time, place and manner that the aforesaid volumes of the acts and joint resolutions are to be delivered; and when so delivered to such sheriffs and clerks, the said clerks or sheriffs shall deliver the same to the members for whom they are intended; and the secretary of state shall carefully preserve and file away, in his office of secretary of state, all the volumes of the acts and joint resolutions, together with forty copies of the journals of each house, not otherwise disposed of by this act.

Journals, how distributed.

SEC. 9. The secretary of state is hereby directed to cause to be printed in one volume, all the special and private acts, joint resolutions and memorials of the present session of the general assembly, in alphabetical order, to be denominated "SPECIAL ACTS OF 1831", of which special acts there shall be printed six hundred copies, half bound, and distributed and disposed of according to law. He shall also cause to be printed, with such special and private acts, the following acts which are hereby declared not to be printed with the general and public acts, to-wit:

"An act to establish a college in the state of Indiana."

"An act to re-publish and continue in force the several acts and joint resolutions relative to the permanent seat of government, and the affairs of the town of Indianapolis," passed at the present session.

SEC. 10. The volumes of the special acts of the present session, shall be distributed and disposed of, as follows, to-wit: to each member of the senate and house of representatives, one volume; and to each county in the state, six volumes, to be forwarded as aforesaid, and preserved in the clerk's offices of the respective counties, for the use of those concerned, and the remaining volumes to be preserved in the secretary's office.

Special acts of 1831, how distributed.

SEC. 11. That forty-five hundred copies of the act regulating the militia of the state of Indiana, approved, 1831, be printed and bound in half binding, and be distributed in such numbers and to such persons, and in such counties as the adjutant-general may direct. The residue to be deposited in the office of the secretary of state, subject to the future order of the adjutant-general, except the twenty copies which are to remain in the office of the secretary of state, as provided for by the aforementioned act.

Militia act of 1831, how printed and distributed.

SEC. 12. The secretary and treasurer of state, and auditor of public accounts, or a majority of them, are hereby required annually hereafter, to contract with some separate person or persons for each judicial district in the state, to

Contract for distributing the laws and journals, how made.

Distributor's
bond.

Receipts of
clerks to dis-
tributer.

Secretary's
certificate to
auditor.

Secretary of
state shall sue
contractor for
failing to dis-
tribute.

Clerks shall
record time of
receiving laws
which shall
be in force
from such
time.

Contracts for
fuel and sta-
tionary, how
made.

Notice of con-
tracting, how
given.

convey and deliver the several volumes of the aforesaid acts and joint resolutions and journals, to the several persons counties and places, pointed out by this act, taking bond and security of the undertakers for the faithful performance of the contract; and so soon as such undertaker shall produce to the secretary of state, the receipts of the several clerks or sheriffs authorized to receive the laws and journals aforesaid, setting forth that the proper number of volumes of the laws and journals have been delivered in good order, the said secretary shall then certify, under his hand and seal, that such undertaker has performed his contract, and the amount that is due to such undertaker for the same; which certificate of said secretary, shall be a sufficient voucher for the auditor of public accounts to give such undertaker an audited warrant therefor, and the treasurer of state is hereby authorized to pay such warrant, out of any money in the treasury not otherwise appropriated.

SEC. 13. That in all cases where any person employed to distribute the laws and journals of this state, shall fail or neglect to perform his duties agreeably to his contract, it shall be the duty of the secretary of state to cause suit forthwith to be commenced on such contractor's bond, and have the same prosecuted to final judgment; and it is hereby made the duty of the prosecuting attorney of the district where said suit shall be commenced, to attend and prosecute the same, for and on behalf of the state, and collect and pay over the amount recovered, into the state treasury.

SEC. 14. It is hereby made the duty of the clerks of the circuit courts of each county, to make a record of the day and date of the reception of the acts and joint resolutions as above authorized, in his office; and such record shall be deemed and taken as the time of the publication of the said laws within said county.

SEC. 15. The secretary and treasurer of state, and auditor of public accounts, or a majority of them, are hereby required annually, in like manner, sixty days before the first day of each and every general assembly, to close a contract or contracts with some person or persons, for furnishing the necessary fire-wood or other fuel, and stationary, for the use of the houses of the general assembly, and shall enter into bonds, as in the case of contracts for printing; which contracts shall be severally reported to the general assembly, within three days after the commencement of each session, by the secretary of state.

SEC. 16. Previous to entering into any such contract or contracts, the secretary, treasurer and auditor of state shall

give public notice thereof, in such way and manner as they or a majority of them shall deem most advisable.

SEC. 17. In all counties where there may be surplus copies of the laws, either of this or any preceding or succeeding year, it shall be the duty of the clerk of each of such counties, to deliver one of each of such surplus copies, to each officer entitled to the laws, who has not previously had a copy of the same, on such officer applying for the same.

Surplus copies
of laws may
be distributed
by clerks.

This act to take effect and be in force from and after its passage.

CHAPTER XLIII.

An Act declaring certain Streams therein named Public Highways,
and for other purposes.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the following streams shall be declared public highways, viz: White river, from the mouth to the main fork, the west branch thence to York town, and the east branch from said main fork to the junction of Sugar creek, and Blue river, above the mouth of Flatrock; Muscatituck from its mouth to the main fork; the north fork to the town of Vernon; the south fork to the mouth of Graham's fork; the Brushy fork from its mouth to the mouth of Hog creek; Big Blue river of the Ohio, from its mouth to the town of Fredericksburgh; Blue river, which flows into the east fork of White river, from its mouth to where the same crosses the line dividing Shelby and Hancock counties; Sugar creek, from Manan's mills on said stream, to its junction with Blue river last aforesaid; so much of Whitewater river, as is within this state, below the forks thereof; the west fork of said river to the northern boundary of the county of Fayette; and the east fork thereof to the north line of Union county; Laughery, from its mouth to the point where the state road leading from Lawrenceburgh to Indianapolis crosses the same; Anderson's river, from its mouth to Upton's Shoals; Poison creek, from its mouth to Cummin's mills; Oil creek, from its mouth to Aaron Cunningham's mills; Raccoon creek, from its junction with the Wabash to the mills of Brooks, Robbins and Rose; Big creek, from its mouth to James Black's mills; Patoka river, from its mouth to Enlow's mills; Indian creek, from its mouth to Dickerson's mills; Indian Kentucky, from its mouth to Brook's mill; Big Sand creek, from its mouth to the forks thereof; Big Flatrock, from its mouth to the mouth of Little

Names of
streams de-
clared public
highways.

Flatrock; Tanner's creek, from its mouth to Blasdell's mills; Sugar creek or Rock river, from its entrance into the Wabash to Crawfordsville, in the county of Montgomery; Fourteen-mile creek, in the county of Clark, from its mouth to Work's mill on said creek; Loglick creek in Switzerland county, from its mouth to William White's mill; Plumb creek in said county, from its mouth to John Rayley's; Big Indian creek in Morgan county, from its mouth to Jacob Cutler's mill; Busseron creek, from its junction with the Wabash to Caruther's mill; Missisnewa river, from its mouth to the line designating the eastern boundary of the state of Indiana; Salt creek, from its mouth to the line dividing townships eight and nine north, of range one east, in Monroe county; Eel river, from Cray's mill in Putnam county, to its junction with White river; Black creek, from the bridge, where the Carlisle and Vincennes road crosses said creek, to its mouth; Indian creek, from where the Martin county line crosses said creek, to its mouth; Lick creek in Martin and Orange counties, from its mouth to the lower end of Adlai Campbell's farm in Orange county; Lost river, from its mouth to Shirley's mill in Orange county; Beanblossom creek, from its confluence with the west fork of White river, to the mouth of Griffith's creek; and Little Pigeon creek, from the mouth thereof to Steel's mill.

Penalty for obstructing streams declared highways by the ordinance of congress, of 1787.

SEC. 2. If any person shall erect or keep up any obstruction, calculated to impede or injure the navigation of any stream, reserved by the Ordinance of Congress of 1787, as a public highway, at a stage of water, when it would otherwise be navigable, or shall be concerned in erecting or keeping up such obstruction, he shall for every such offence, be fined in any sum not exceeding one thousand dollars, to be recovered by presentment or indictment, in the proper county, and be liable to action for all damages and injuries sustained or occasioned thereby.

Unrepealed acts declaring streams public highways, shall be considered public acts. Proviso as to streams, the beds of which have been sold by United States.

SEC. 3. All acts and parts of acts, relating to that part of either, any or all of the streams in the first section of this act declared public highways, which are in force and unrepealed, with all the privileges, duties, rights, restrictions and penalties therein expressed, are hereby declared public acts, and continued in full force: *Provided*, That where the beds of any stream named in this act, have been sold by government to individuals, this act shall not be so construed as to take from them their vested rights therein, without compensation to, or consent of the owner: *Provided further*, That such vested rights shall not go so far as to authorize such owner or owners, to destroy or in any manner materially to injure the navigation of such streams.

CHAPTER XLIV.

An Act to legalize the sale of the School Land in the County of Madison.

[APPROVED, JANUARY 29, 1831.]

Whereas, some doubts have arisen, whether the sales of school lands heretofore made by Bichnel Cole, in the county of Madison, were strictly legal, for remedy whereof,

Be it enacted by the General Assembly of the state of Indiana, That the sale of any and all school lands heretofore made by Bichnel Cole, in the county of Madison, are hereby declared to be legal, to all intents and purposes.

CHAPTER XLV.

An Act legalizing the proceedings of certain Trustees therein named.

[APPROVED, JANUARY 26, 1831.]

Be it enacted by the General Assembly of the state of Indiana, That the proceedings and by-laws of the trustees of township school number three south, of range number five east, as designated by the United States' survey, and lying in the counties of Floyd and Harrison, so far as relates to the building of four dwelling houses and four school houses, on said school section, and that part of their by-laws that allows themselves and clerk, fifty cents per day for their services, and their treasurer three per cent. for collecting and paying out money, be and the same are hereby legalized.

School section in Floyd and Harrison.

This act to take effect and be in force from and after its publication in the Indiana Journal.

CHAPTER XLVI.

An Act legalizing the proceedings of the Board of Justices of St. Joseph County.

[APPROVED, FEBRUARY 9, 1831.]

Whereas, It is represented to this general assembly, that Samuel L. Cotterell acted as sheriff to the board of justices of the county of St. Joseph, from the month of August in the year of our Lord one thousand eight hundred and thirty, to the month of November in the same year, without being legally elected and commissioned: and some doubts having arisen as to the legality of the pro-

Preamble.

Acts of board
of justices le-
galized.

ceedings of said board in consequence thereof; wherefore,
Be it enacted by the General Assembly of the state of Indiana,
That the acts and proceedings of said board of justices of
the county of St. Joseph, for and during the time afore-
said, be and the same are hereby declared as legal and val-
lid, as if the said Samuel L. Cotterell had been sheriff of
said county, according to law, at the taking place thereof.

CHAPTER XLVII.

An Act to legalize the proceedings of the Board of Commissioners of
Perry County.

[APPROVED, JANUARY 13, 1831.]

Whereas, It is represented to this general assembly that the
board of commissioners of Perry county, on the 9th day
of July, 1824, held a special session, at which session
business of importance to individuals, as well as to the
public, was transacted: *And whereas,* doubts have arisen
as to the legality of said special session; for remedy
whereof,

Be it enacted by the General Assembly of the state of Indiana,
That the proceedings of the board of commissioners of Per-
ry county, at a special session held the ninth day of July,
1824, be valid in law and equity, in the same manner, and
to the same extent, as if said proceedings had been had
at a regular term of said board of commissioners.

CHAPTER XLVIII.

An Act legalizing the proceedings of the Board of Commissioners of
Hendricks County.

[APPROVED, FEBRUARY 9, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of
Indiana,* That the acts and proceedings of the board of
county commissioners of Hendricks county, at their sitting,
January 17th, 1831, be and the same are hereby legalized:
Provided, however, That such acts and proceedings were re-
quired by law at the previous regular session of such
board.

SEC. 2. This act to take effect and be in force from and
after its passage.

CHAPTER XLIX.

An Act to legalize the proceedings of the Trustees of the Green Coun-
ty Library, and to provide for the election of President and Trustees
for the Owen County Library.

[APPROVED, FEBRUARY 9, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state
of Indiana,* That the election of president and trustees of
the Green county library, held on the fourth day of Septem-
ber last, shall be considered in all respects legal, as if it had
been held at the time fixed on by law, and all the proceed-
ings legal, according to the law heretofore enacted.

Election of
officers of li-
brary in
Green county
legalized.

SEC. 2. The qualified electors of Owen county are here-
by authorized to meet, at any time after the passage of this
act, by the sheriff giving ten days notice by advertisement
at least in each township, at the most public place, that an
election will be held to elect a president and trustees of the
Owen county library, at the court-house in Spencer, on the
day specified, and shall in all things be governed by the law,
and be entitled to the privileges, rights and monies or dues
that the president and trustees of county libraries, who
have been heretofore elected are entitled to, and that all
county officers heretofore acting, shall be accountable to
said board for all monies and dues that came into their
hands, according to the laws under which they acted.

Election for
officers of Ow-
en county li-
brary may be
held at any
time.

CHAPTER L.

An Act for the Relief of John M. Coonfield.

[APPROVED, FEBRUARY 7, 1831.]

Be it enacted by the General Assembly of the state of Indiana,
That the trustees of the congressional township number
fourteen north, of range four east, in the county of Marion,
be authorized and directed to inquire into and examine the
equity of the claim of John M. Coonfield of said county, up-
on said township, for improvements made by him on the
west half of the north east quarter of the school section, No.
sixteen, belonging to said township, under the promise of
a lease from John Graham, late superintendent; and after
taking into view the time of the occupancy of said improve-
ment, by said Coonfield, and the increase made to the va-
lue of said land by the same, the said trustees shall be, and
they are hereby authorized to allow said Coonfield, such a-
mount out of the funds arising from the sale of said land,
as shall seem justly due said Coonfield; which amount the
commissioner of the school lands shall pay on the order of

Trustees of a
school section
in Marion
county may
allow for im-
provements.

Proviso.

said trustees, out of the monies in his hands belonging to said township: *Provided*, That such allowance so made, shall not reduce the proceeds arising from the sales of the lot on which the improvement was made, below one dollar and twenty-five cents per acre.

CHAPTER LI.

An Act for the Relief of John Smith, and others.

[APPROVED, JANUARY 19, 1831.]

Allowance to be made for improvements on school section, in Rush county,

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the trustees of congressional township number fourteen, of range nine east of the second principal meridian line, in the county of Rush, are hereby authorized to make John Smith, John Crowso and Jacob Crowso, such allowance for improvements which they have heretofore made on the sixteenth section in said township, as the said trustees shall deem just and reasonable, to be paid out of any monies arising from the sale of the lands on which said improvements are situate. The trustees, in making such allowance, shall take into consideration, the value of the improvements, the time the said John Smith, John Crowso and Jacob Crowso have enjoyed the benefit thereof, and the waste (if any) by them committed on the premises. The allowance so made shall be paid by the school commissioner of Rush county, on the order of the trustees of said township, out of the proceeds of the sale of said land: *Provided however*, That the allowance so made, shall not reduce the proceeds arising from the sale of said lands, on which said improvements are situate, below one dollar and twenty-five cents per acre.

Allowance for improvements on another section in Rush county.

SEC. 2. The trustees of congressional township number fourteen, in range eleven, east of the second principal meridian, in the county of Rush, shall make to Samuel Powers, and to the widow and children of Joseph Powers, deceased, such allowance for improvements made on the school section of said township, by the said Samuel and Joseph Powers, as upon a full examination of the matter may seem just and reasonable, to be paid by the school commissioner of said county, on the order of the trustees: *Provided*, such allowance shall not reduce the sum derived from the section or tract sold, to a less amount than one dollar and twenty-five cents per acre.

This act to take effect and be in force from and after its publication.

CHAPTER LII.

An Act confirming to John J. Akin, Alexander Walker and John J. Livingston, certain Rights.

[APPROVED, JANUARY 6, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the trustees of school section in township number six, of range number one west, of lands offered for sale at Cincinnati, situate in the county of Dearborn, state of Indiana, be and they are hereby authorized and empowered to sell and convey, by a good and sufficient deed in fee simple, clear of all incumbrances, unto John J. Akin, Alexander Walker and John J. Livingston, severally, their heirs and assigns forever, fifty acres of land, each, out of the aforesaid school section, it being the same several fifty acres which they are now severally possessed of, under a certain illegal lease from Robert Faulkner, Abraham Everson and Samuel Lawford, at a price not less than two dollars per acre, payable in four years, with interest from the date of such sale.

Trustees of school section in Dearborn county, may sell it to Akin, et. al.

SEC. 2. It shall not be lawful for the said trustees, to make the aforesaid deed of conveyance to the said Akin, Walker and Livingston, until all the purchase-money and all interest thereon shall be fully paid.

Purchase money to be first paid.

SEC. 3. The money arising from said sales shall be preserved and disposed of, agreeably to the provisions of an act authorizing the sale of school lands.

This act to take effect and be in force from and after its passage.

CHAPTER LIII.

An Act for the relief of certain Purchasers of Lands, in the Reserved Township in Monroe County.

[APPROVED, FEBRUARY 1, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That wherever the real quantity of any half quarter section of land, situate in the reserved township of land in Monroe county, which has been or may hereafter be sold by the commissioner of said township, is, or shall be less than eighty acres, such commissioner is authorized to receive from the purchaser of such half quarter section, the sum from him equitably due therefor, both principal and interest, and no more, taking into consideration the sum undertaken to be paid by such purchaser, per acre, for such land, and the real quantity of land in the same.

Payment for more land than is contained in any tract shall be refunded.

Over payment may be deducted from subsequent instalment.

SEC. 2. If such purchaser has or shall have paid to said commissioner, more of such purchase money, than may be equitably due as aforesaid, such commissioner is authorized to deduct the amount so over-paid, from any subsequent instalment or payment due from said purchaser to such commissioner, for any lands sold in the said township; or if no such subsequent instalment or payment may be due as aforesaid, then said commissioner is authorized to refund such over-payment to such purchaser, out of any monies which may then or thereafter be in his hands, arising from sales of any lands in said township.

SEC. 3. Where any greater or less quantity than a half quarter section of land, has been or may by said commissioner be sold, he shall be governed by the provisions of this act, as to refunding any over-payment, or deducting from any subsequent instalment or payment, the amount of such over-payment, or as to receiving only the sum equitably due for such greater or less quantity of land, so that the purchaser thereof will have paid only such sum as is or may be equitably due for the same, according to the real quantity of the land sold.

Actual quantity of land, how ascertained.

SEC. 4. The certificate of the county surveyor of Monroe county, with his affidavit annexed to the same, shall be evidence to such commissioner, of the true quantity of land contained in any such tract, so sold or to be sold as aforesaid. The services of such surveyor shall be paid for by the purchaser requiring the same.

This act to take effect and begin force from and after its passage.

CHAPTER LIV.

An Act authorizing Matthew Flinn to convey certain Lots in the Town of Leesville.

[APPROVED, JANUARY 6, 1831.]

Be it enacted by the General Assembly of the state of Indiana, That Matthew Flinn of the county of Lawrence, be, and he is hereby appointed and authorized, to convey by deed, in fee simple, to the purchasers of the following lots in the town of Leesville in the county of Lawrence, numbered on the plat of said town, two, seven, nine, twelve, twenty-four, thirty-one, thirty-two, thirty-three, thirty-eight, thirty-nine, forty, forty-one, forty-two and forty-three, on receiving proper evidence that the purchasers of such lots have severally paid or secured to be paid, to the administrators of William Flinn, deceased, for the benefit of his legal heirs,

Evidence of payment of purchase money required.

the price originally agreed upon, between said Flinn and such purchasers, in his life-time; and such deed, when duly executed according to law, shall have the same effect as if executed by said William Flinn in his life-time.

This act to take effect and be in force from and after its publication.

CHAPTER LV.

An Act for the relief of Jesse O'Niel.

[APPROVED, JANUARY 30, 1831.]

Be it enacted by the General Assembly of the state of Indiana, That Conrad Sailors, agent for the county of Rush, be, and he is hereby authorized and required to convey to Jesse O'Niel, by deed in fee simple, a certain lot of ground, lying and being in the town of Rushville, in the county of Rush, being lot number twenty-six, as described on the plat of said town: *Provided*, no such conveyance shall be made, unless full payment of the original purchase-money shall have been made.

CHAPTER LVI.

An Act to amend an act entitled "An act for the relief of the infant heirs of Wesley Harrison, deceased," approved, December 18, 1828.

[APPROVED, DECEMBER 29, 1830.]

Whereas, It is represented to this general assembly, that the eighty acres of land intended to be described by the act to which this is an amendment, lies in the county of Vigo, and not in the county of Sullivan; and that in consequence of said tract of land having been described by said act, as lying and being in said county of Sullivan, the provisions thereof have never been carried into complete effect; therefore,

Preamble.

Be it enacted by the General Assembly of the state of Indiana, That the trustees or agents of the united society called Shakers, be, and they are hereby authorized to convey said tract of land, lying and being in the county of Vigo, to the heirs of the said Wesley Harrison, deceased, which conveyance when made, shall have the same force and effect, as if said tract of land had laid in the county of Sullivan.

Conveyance authorized.

CHAPTER LVII.

An Act to authorize William Polke to convey certain Land to Jane Shuler.

[APPROVED, FEBRUARY 10, 1831.]

Preamble.

Whereas, It has been represented to this general assembly, that in the year 1822, Jane Dubois, now Jane Shuler, placed in the hands of her brother-in-law, John Smith, money to purchase for her, fifty acres of land, being location number two hundred and ninety-seven, in the Vincennes district; that said Smith attended the sale and purchased said land, but in place of taking the certificate of purchase in the name of the said Jane, he obtained it in his own, with an express understanding that he would at any time assign unto her the certificate of purchase, which he then delivered her, but owing to the said Smith's sudden death, the said Jane has been deprived of her rights; therefore,

Conveyance authorized.

Be it enacted by the General Assembly of the state of Indiana, That William Polke of the county of Knox, be, and he is hereby authorized to convey by deed to said Jane Dubois, now Jane Shuler, or her legal representatives, all the title which the said John Smith might have had by said certificate, to said location number two hundred and ninety-seven, previous to his death.

This act to be in force from and after its passage.

CHAPTER LVIII.

An Act for the relief of James Faris, Trustee of the County Seminary of Dubois County.

[APPROVED, JANUARY 6, 1831.]

Amount remitted.

Be it enacted by the General Assembly of the state of Indiana, That James Faris, trustee of the seminary for Dubois county, in the final settlement of his accounts, with the proper authority, shall be allowed a credit of twelve dollars, being the amount of fines charged to him as trustee as aforesaid, and which fines were worked out on the highways, by the persons on whom said fines were assessed, in pursuance of an act relative to crime and punishment, approved, January 20, 1824.

CHAPTER LIX.

An Act for the relief of Jonathan Legg and Elizabeth Thacker.

[APPROVED, JANUARY 6, 1831.]

Whereas, It is represented to this general assembly, that by Preamble. the last will and testament of David Thacker, deceased, execution thereof was granted to Jonathan Legg and Elizabeth Thacker of Monroe county in this state, who, in pursuance thereof, and in good faith, proved the said will in, and took out letters testamentary, from the Monroe probate court, in said state, and have thereupon sold part of the property of the estate of said decedent, have performed other requisitions of said will, and have proceeded to settle and adjust the affairs, debts, rights and credits of said decedent in said court; *And whereas*, it appears that said court has taken and exercised jurisdiction in adjudging, ordering, decreeing and otherwise disposing of divers suits and claims, against and in favor of said Jonathan Legg and Elizabeth Thacker, as such executor and executrix, and said decedent's estate and divers other matters relating thereto; *And whereas*, it further appears that the said David Thacker, just before, until and at his death aforesaid, was a resident of Owen county in said state, although the greater part of his property was in Monroe county aforesaid, whereby doubts have arisen as to the legality of such jurisdiction and proceedings; therefore,

Be it enacted by the General Assembly of the state of Indiana, That all and singular, the acts and proceedings of the said Jonathan Legg and Elizabeth Thacker, or either of them, in the premises, and in relation to said estate, will, and letters testamentary, which have heretofore been performed, or which may hereafter be performed, as also all and singular, the orders, judgments, decrees and other acts and proceedings of the said Monroe probate court, which have heretofore happened, and which may hereafter happen, as well as the several consequences resulting from said acts and proceedings, be and the same are hereby legalized as fully and perfectly, as if the said David Thacker were at the time of his death a resident of Monroe county aforesaid, and not a resident of Owen county as aforesaid, and no further.

This act to be in force and effect from and after its passage.

CHAPTER LX.

An Act for the relief of Samuel Hanna.

[APPROVED, JANUARY 6, 1831.]

Preamble.

Whereas, It appears to this general assembly, that Samuel Hanna, esquire, a citizen of Allen county, did, in the year 1820, take out letters of administration on the estate of Isaac Burnett deceased, late of said county, from the probate court of Randolph county; *and whereas*, the said estate is yet unsettled; therefore,

Cause of Burnett's administrator transferred from Randolph to Allen county.

Be it enacted by the General Assembly of the state of Indiana, That the clerk of the probate court of Randolph county, is hereby authorized and commanded to transfer to the probate court of Allen county, all the proceedings and papers relative to the estate of the said Isaac Burnett, and that the probate court of Allen county is hereby authorized to continue the proceedings on said estate, in the same manner as if letters of administration had originally been granted by the said probate court of Allen county.

This act to take effect and be in force from and after its publication.

CHAPTER LXI.

An Act for the relief of Alpha Frisbie.

[APPROVED, JANUARY 19, 1831.]

Be it enacted by the General Assembly of the state of Indiana, That Alpha Frisbie of the county of Warrick, shall be, and he is hereby permitted to build a dam across Little Pigeon creek in said county, at his mill-seat on said stream, to the height of ten feet, any law heretofore enacted to the contrary notwithstanding.

This act to be in force from and after its passage.

CHAPTER LXII.

An Act for the relief of Ruth Thompson, of Wayne County.

[APPROVED, FEBRUARY 9, 1831]

Preamble.

Whereas, William Thompson, formerly of Wayne county, Indiana, has, for reasons unknown, abandoned his wife, Ruth Thompson, for seven years last past, and his place

of residence, (if he is living) is still unknown to his wife; *And whereas*, the said Thompson left many debts unsettled in said county of Wayne, and left no money or property in the hands of his wife to settle the same; therefore,

Be it enacted by the General Assembly of the state of Indiana, That the said Ruth Thompson aforesaid, be authorized to acquire, possess and protect property, in as ample a manner as any person or persons may or can do, that she may acquire after the passage of this act, free from all pleas, complaints, claims, demands, judgments or executions, which may have been or hereafter may be brought against the aforesaid William Thompson, in as full and ample a manner, to all intents and purposes, as she could do, had she never been married to said William Thompson aforesaid.

This act to take effect and be in force from and after its passage.

Ruth Thompson may acquire & hold property in her own right.

CHAPTER LXIII.

An Act for the relief of John J. Lewis, late Collector of Shelby County.

[APPROVED, DECEMBER 20, 1830.]

Whereas, It is represented to this general assembly, that one

Sevier Lewis was appointed collector of the county of Shelby, for the year eighteen hundred and twenty-five, and before he had completed the collection, departed this life, whereupon his brother John J. Lewis, was appointed to complete the same; and on account of the imperfect situation of the duplicate at the time it came into the hands of the late collector, he was unavoidably in default with the state treasury at the time the same should have been paid over; and at the last term of the circuit court of said county, judgment was rendered against him for two hundred and sixty-eight dollars and forty-seven cents, of which nine dollars and six cents is the five per cent. penalty, and seventy-seven dollars and thirty-seven cents is the interest, at the rate of ten per cent. per annum, by the statute in such cases made and provided; therefore,

Be it enacted by the General Assembly of the state of Indiana, That eighty-six dollars and forty-three cents of the aforesaid judgment, be and the same is hereby remitted.

Amount remitted.

This act to take effect and be in force from and after its passage.

CHAPTER LXIV.

An Act to continue in force "An act for the benefit of persons who have or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court-house at Lawrenceburgh, on the morning of the 6th of March, 1826," approved, January 11, 1827.

[APPROVED, JANUARY 29, 1831.]

Duties of recorder of Dearborn county.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the recorder of Dearborn county is hereby authorized to carry into effect, all the provisions of the above named act, (as fully as the commissioners therein named are authorized to do) until the first day of January, 1835, except that said recorder shall be his own clerk, and may attend to business at any time when called on for that purpose, without being required to give notice, or holding any special session.

Recorder's compensation

SEC. 2. Said recorder shall receive as a compensation for his services hereby required, for taking the necessary proof of each deed, and for recording the same, one dollar, to be paid by the person making application for such services.

CHAPTER LXV.

An Act for the relief of David Buchanan, security for Joseph C. Reed, deceased.

[APPROVED, FEBRUARY 1, 1831.]

Amount to be credited.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That David Buchanan, security for Joseph C. Reed, deceased, be and he is hereby allowed the sum of fifty-two dollars and fifty cents, for work and labor done and performed by him, in clearing and fencing ground on the donation lands adjoining the town of Indianapolis, and that the agent of state for the town of Indianapolis, be, and he is hereby authorized and required to credit the said David Buchanan with the above amount, on his bond as security for the said Joseph C. Reed.

Further amt't.

SEC. 2. The said agent is further authorized and required to credit the bond as aforesaid, with the sum of twenty-nine dollars, over and above the amount as specified in the foregoing; that being in part for rents due the state of Indiana, on bond executed to the agent aforesaid, by Joseph C. Reed, deceased, and David Buchanan as his security.

This act to be in force from and after its passage.

CHAPTER LXVI.

An Act for the relief of the Superintendent of the State Prison.

[APPROVED, JANUARY 30, 1831.]

Whereas, It is represented to this general assembly, that Preamble, James Keigwin, superintendent of the state prison, has, in executing a contract with the governor of this state relative to said prison, furnished materials, and performed work to an amount greatly exceeding the calls of his contract, and in a manner highly beneficial to the state, for which excess in value he is equitably entitled to remuneration; therefore,

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the governor is hereby requested to appoint three disinterested commissioners, citizens of the state of Indiana, agreeably to the contract with said superintendent, whose duty it shall be, on some day a majority of them may agree upon, in the month of February next, to repair to the state prison in Jeffersonville, and after taking an oath before some officer authorized to administer the same, faithfully and impartially to discharge the duties herein required, shall proceed to examine the repairs made, work-shops erected, materials furnished, and work performed by the superintendent, by virtue of a contract made in the month of May, eighteen hundred and twenty-eight, by the said superintendent and the governor.

Governor shall appoint three commissioners to assess value of improvements &c.

Oath of commissioners.

SEC. 2. The said commissioners, who shall be furnished by the said superintendent with a copy of said contract, after examining the work, materials and repairs, and comparing the same with the contract, and making themselves acquainted with the situation and wants of the prison, at the time the repairs were made and work-shops erected, shall take into consideration the state of repairs the said prison and work-shops may be in when examined, and the wear and tear of them by the said superintendent since they were erected, and the benefit the said superintendent may have derived from such additional work-shops and repairs; and if from an entire view of the case, comparing the contract, repairs and improvements aforesaid, they shall be of opinion that the same were necessary and beneficial, and conducive to the interest of the state, in materially improving said prison, they shall proceed to put a fair cash estimate on the value of said materials, work and repairs, which they shall certify under their hands and seals, to the auditor of public accounts; and if the said amount so certified, exceed the amount of work and repairs which the said superintendent was by his contract aforesaid bound to perform for the state, the auditor of public accounts shall audit the ex-

Duty of commissioners.

Value to be certified and audited.

Superintendent to be credited with value on his contract.

Compensation to commissioners.

cess, which audited claim shall be allowed by the treasurer of state, as so much cash, in any settlement which the said superintendent may make with said treasurer, for rent accruing for the hire of said prison, to the state.

SEC. 3. The commissioners shall each receive two dollars per day, for each and every day they may be necessarily employed in discharging the duties herein required, to be allowed by the auditor, and paid by the treasurer of state, on the certificate of the said commissioners, verified by oath or affirmation, before some officer authorized to administer oaths.

This act to take effect and be in force from and after its passage.

CHAPTER LXVII.

An Act for the relief of the Subscribers to the Building of the State Prison.

[APPROVED, JANUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That it shall be the duty of the supreme court of this state, at their next session, to appoint three disinterested persons, as commissioners to estimate the value of the interest of the subscribers for building the state prison in said state, under the provisions of the act entitled "An act authorizing the building of a state prison, and for other purposes," approved, January 9th, 1821.

SEC. 2. It shall be the duty of the commissioners appointed in manner aforesaid, to meet at the house of Charles Fuller in the town of Jeffersonville, on the first Monday in June next, or on such subsequent day as they may agree upon, and after taking an oath before some person authorized to administer the same, faithfully and impartially to discharge the duties assigned them by this act, shall proceed to assess the value of the interest of the several subscribers for building the said prison, in proportion to the amount by them respectively paid; and for that purpose shall have power to send for persons and papers, and examine witnesses on oath, touching the same, and also to inspect and examine the said prison.

SEC. 3. The commissioners, after making such assessment, shall give to each of the said subscribers, or their legal representatives, a certificate setting forth the value of their respective interests, so assessed; and it shall be the duty of the auditor of public accounts to audit, and the treasurer of state to pay the claims so certified, out of any

Sup. court shall appoint three commissioners to value the interest of subscribers.

Commissioners when and where to meet and their duties.

Oath and powers of commissioners.

Commissioners shall give certificates to subscribers & amount how paid.

monies in his hands arising from the sales of lots in the town of Indianapolis, not otherwise appropriated; and the sum of one thousand dollars of the fund aforesaid is hereby appropriated for the payment of the same.

SEC. 4. The commissioners appointed under the provisions of this act, shall respectively receive two dollars per day, for each and every day they may necessarily be engaged in the performance of the duties assigned them by this act, to be paid out of any monies in the treasury not otherwise appropriated.

Out of Indianapolis fund.
Compensation to commissioners.

CHAPTER LXVIII.

An Act for the relief of the Collector of Fayette County.

[APPROVED, JANUARY 6, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Gabriel Ginn, collector of the state and county revenue of the county of Fayette, for the year 1830, be, and he is hereby authorized to advertise and expose to public sale, at any time during the year 1831, any lots or lands in said county, on which the taxes are due and unpaid, in the same manner, and under the same rules and restrictions, as it respects publication and sale, as is now provided for by the law already in force. And all sales, when so made, under the provisions of this act, shall be as valid as though the same had been made, on the day and time provided for in the law now in force.

Lands, &c. may be sold for non-payment of taxes.

SEC. 2. And if the lands or lots so offered for sale, or any part thereof, will not sell, for want of buyers, it shall be the duty of the clerk of Fayette county, to certify that fact to the auditor of public accounts, whose duty it shall be forthwith to give to the said Gabriel Ginn, a warrant on the treasury, for the amount of taxes charged on the lands, so certified to have been offered for sale under the provisions of this act, and not sold for want of buyers; and the treasurer of state shall pay the same out of any money in the treasury not otherwise appropriated.

Delinquent list to be audited & paid.

SEC. 3. The board doing county business, in and for the county of Fayette, is hereby authorized to give to the said Gabriel Ginn, collector as aforesaid, such relief as to them may seem just and reasonable.

County board may grant him relief.

This act to take effect and be in force from and after its publication in the Indiana Democrat.

CHAPTER LXIX.

An Act to repeal certain acts relative to Gibson county.

[APPROVED, DECEMBER 29, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That the act entitled "an act for the benefit of the Gibson county seminary, approved, January 21, 1828, and also the act entitled "an act for the benefit of the inhabitants of a certain township in Gibson county," approved January 30, 1830, be and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER LXX.

An Act to repeal an act therein named.

[APPROVED, JANUARY 29, 1831.]

Be it enacted by the General Assembly of the state of Indiana, That the act passed at the last session of the legislature, establishing a state road from Evansville to Anthony's ferry, be and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER LXXI.

An Act to facilitate the opening of the Cumberland Road, and preserve the same from being obstructed or injured.

[APPROVED, FEBRUARY 4, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That so much of the road commonly called the "Cumberland road," located under the authority of the United States, as passes through this state, shall be and the same is hereby declared, in width eighty feet, a public highway, and the superintendents acting under the laws of the United States, are hereby authorized to cause the same to be opened.

SEC. 2. If any person or persons, through whose land said road passes, and who may not have relinquished to the United States, land for that purpose, shall hereafter feel aggrieved by the opening of said road, it shall be lawful for such person or persons, to file a petition in the circuit court

Cumberland road declared a public highway, and U.S. authorized to open it.

Damages for passing thro' unrelinquished lands, how assessed.

of the proper county, praying the appointment of commissioners to assess the damages, if any, by them so suffered; and it is hereby made the duty of such court, thereupon to appoint three disinterested intelligent men, as commissioners, who shall, having taken an oath to estimate impartially, proceed to view and determine the amount of damages, if any sustained, by the petitioner or petitioners, in which estimate due regard shall be had to the advantages resulting to the country from the construction of said road; and the commissioners aforesaid, shall make return of their proceedings to the court by which they were constituted, at the next session thereof, and the damages, if any, so ascertained, shall be paid by an order drawn in favor of the person or persons so injured, on the state treasury; which order shall be signed by one of the associate judges of the proper county, and entitle the holder to the amount thereof; and the auditor of public accounts is hereby authorized to audit, and the treasurer of state to pay the same out of any money in the treasury, not otherwise appropriated; and where damages are not found by the commissioners aforesaid, such petitioner or petitioners shall pay all costs incurred by the inquiry.

Commissioners and their duties.

Amount to be paid out of state treasury

SEC. 3. It is hereby made the duty of the several supervisors of this state, through whose road district the said road passes, to cause obstructions within fifteen feet of the centre, each side, to be removed, in the same manner as provided for other public roads, the same having first been opened by the United States. And any person or persons who shall obstruct said road, after having been so opened by the United States, and suffer such obstructions to remain, to the hindrance of passengers, and inconvenience of the public, shall be liable to forfeit and pay, for every such offence, any sum not exceeding ten dollars, to be recovered, with costs of suit, in the name of the supervisor in whose district such road may be so obstructed; and it shall be the duty of the supervisors respectively, as often as they are informed of any such obstruction, to commence suit against the person obstructing the same, before any justice of the peace of the proper county, and upon the oath of one or more credible witness or witnesses, judgment shall be rendered and collected as other debts are, of a similar amount; and if any person fined as aforesaid, shall suffer such obstruction to remain to the hindrance of passengers, as aforesaid, such person shall forfeit the sum of one dollar for each day he may suffer the same to remain, to be recovered before any justice of the peace in manner and form aforesaid.

Supervisors shall cause obstructions to be removed

Penalty for obstructing.

Supervisors shall sue for obstructing.

Penalty for suffering obstruction to remain.

SEC. 4. If any person or persons shall intentionally break, deface, remove, injure, or damage any bridge, guard-wall, or other work of improvement, which has been or may hereafter be constructed, for the improvement, use, security, or

Penalty for intentional injury to road, bridges, &c.

ornament of said road, he, she or they, shall upon conviction thereof, by presentment or indictment, in the proper circuit court, forfeit and pay treble the amount of the injury or damage done; together with the costs of prosecution; one half of which forfeiture shall go to the informer or informers, and the other half to the repair of said road.

No costs shall be recovered in actions for trespass in opening the road. Defendant may plead the necessity of the trespass, &c.

SEC. 5. In any action of trespass, in which recovery may be had against any person or persons, for any trespass necessarily committed in the opening and completing of said road, the plaintiff shall recover no costs; and the defendant or defendants in any such action, shall be at liberty to plead such matter in bar of a recovery of costs therein, and the jury trying the cause, shall find whether such plea be true or not, and judgment shall be rendered accordingly. In such actions before justices of the peace, such plea may be determined by the jury or justice determining the same.

This act shall be in force from and after its passage.

CHAPTER LXXII.

An Act concerning the Michigan Road Scrip, Michigan Road Lands, and for other purposes.

[APPROVED, FEBRUARY 4, 1831.]

Preamble.

Whereas, It is represented to this general assembly, that an act approved January 29, 1830, providing for the opening of part of the Michigan road, has made the scrip too large for negotiation, or for the convenience of the holders, with some extra expenses incurred therefrom, in the location of said road, Therefore,

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Noah Noble of Marion county, contract commissioner of the Michigan road, and James Morrison, secretary of state be, and they are hereby authorized to subdivide the scrip to be granted contractors on said road, in sums of one hundred dollars each, if desired by the owner, and for any fractional sum that may likewise be due a contractor, there may be scrip issued by the authority aforesaid.

SEC. 2. *And be it further enacted*, That Nathan Davis, be allowed the sum of forty dollars and fifty cents, for twenty seven days services as chain carrier, he finding himself, at one dollar and fifty cents per day, on said road; that Simeon Sedwick, be allowed for the same services, forty dollars and fifty cents; that William Demoss, be allowed the sum of three dollars and fifty cents, for five days services, setting mile stakes and marking; that John Pogue, be allowed the

Appropriations, N. Davis.

S. Sedwick.

Demoss.

John Pogue.

sum of eighteen dollars, for twelve days services, working and setting stakes, from Indianapolis to the Wabash; that Henry Brady, be allowed the sum of fifty-four dollars, for H. Brady twenty-seven days surveying, at two dollars per day; that Morrison and Kinnard, be allowed the sum of ten dollars, Morrison and Kinnard, for printing bonds; that Douglass and Maguire, be allowed Douglass and Maguire, the sum of six dollars and fifty cents, for printing notices of sale; that Mr. Mitchell, be allowed the sum of ten dollars, Mitchell, for printing two hundred notices of sale; that John Cain, be Cain, allowed the sum of three dollars and fifty cents, for blank book and paper; that William Polke, one of the commis- Polke, sioners named in the act entitled "an act to establish a state road from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river," approved, January 31, 1830, be allowed the sum of two hundred and three dollars, eighty-seven and a half cents, for money expended by him in carrying into effect the provisions of the act aforesaid, and that the said William Polke, be allowed the further sum of thirty-nine dollars, for stationary, and nineteen days services in completing calculations of surveys, making out field notes and plats to be transmitted to the surveyor general's office; that Samuel Hannah, one of the commissioners on said road, Hannah, be allowed the sum of eighty dollars, thirty-one and a fourth cents, for money expended by him in carrying into effect the provisions of said act; that Abraham McLelland, one McLelland, of the commissioners on said road, be allowed the sum of ninety-one dollars, six and a fourth cents, for money by him expended, in carrying into effect the provisions of the act aforesaid; that William Morrison, be allowed the sum of six Morrison, dollars, for three days services, in assisting William Polke to perform the services aforesaid.

SEC. 3. And the auditor of public accounts be, and he is hereby directed to audit, and the treasurer to pay the above How paid & out of what fund. sums, out of any monies in the treasury, not otherwise appropriated; and all monies, thus expended, shall be refunded, to the state, out of the first monies arising from the sale of the lands granted to the state of Indiana, by the chiefs and warriors of the Pottawatamie tribe of Indians, to make a road from Lake Michigan, to some convenient point on the Ohio river.

SEC. 4. That the board of commissioners, consisting of Samuel Hannah, of the county of Wayne, William Polke, of the county of Knox, and Abraham McLelland, of the county of Sullivan, created by an act entitled "an act to establish a state road from Lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river," approved, January 13, 1830, be, and the same is hereby abolished; but that all the official acts and duties, which have been done and performed by said board, be, and the same are hereby

Board of commissioners abolished.

confirmed and adopted, and rendered as valid as if the said board was not, by this act, abolished.

W. Polke appointed sole commissioner and his duties.

SEC. 5. That the said William Polke is hereby appointed sole commissioner, who is required to complete the selecting, surveying, marking and numbering the lands, mentioned in the above recited act, agreeably to the provisions of said act, and shall cause to be made five complete plats, maps, and descriptions of all said lands, shewing the numbers, townships, ranges, water courses, and other necessary description, including as well the lands already selected and surveyed, as those hereafter to be selected and surveyed, and including, also, such lands of the United States as may have been or may hereafter be selected, and sanctioned by the general government; and such plats and maps, when so made, shall be forthwith disposed of by said commissioner as follows, to wit: One shall be forwarded to the secretary of the treasury of the United States, one to each of the offices of secretary, auditor and treasurer of state, and reserve one for his own use as such commissioner.

Lands, when and where to be offered for sale.

SEC. 6. Said commissioner, shall on the third Monday of October next, offer for sale, at public auction, at the town of Logansport, in the county of Cass, in half quarter sections, to the highest bidder, for cash in hand, all the aforesaid lands which have been selected, or may hereafter be selected, in the Indian country, together with all such aforesaid lands, as have been, or may be selected out of the United States' lands, which may be sanctioned by the general government, and which may be, on said third Monday in October next, surveyed and platted as aforesaid. All the quarter sections of said lands which may be adjoining the road named and established by the act above recited, shall be sold in north and south halves, and all the other quarter sections shall be sold in east and west halves.

Commissioner shall receive scrip in payment.

SEC. 7. Said commissioner shall receive as cash, all scrip which may have been issued and duly signed and attested, for work done on the Michigan road, under the provisions of an act entitled "An act providing for the opening of part of the Michigan road," approved, 29th January, 1830, at par, in payment of any lands by him sold, under the provisions of this act.

Notice of sale how given.

SEC. 8. Said commissioner shall give three months notice of the time and place of such sale, by advertisement in the following weekly newspapers, to-wit: one such newspaper in the city of Cincinnati, and one in the towns of Madison, Lawrenceburgh, Indianapolis, Vincennes and Lafayette in the state of Indiana, and in the Ohio State Journal, printed at Columbus in the state of Ohio.

Sales to be continued un-

SEC. 9. Said commissioner shall continue said sales, from day to day, until all such lands shall be offered for sale;

and a correct list of such sales, shall be, from day to day kept up, and the plat daily corrected, by the sales, until the whole is sold or offered for sale as aforesaid; and upon the purchase-money being paid for any tract of land, the commissioner shall forthwith give to the purchaser, an official certificate, specifying the number and description of the land purchased, and the amount paid therefor, and shall enter such certificate in a book by him kept for that purpose, before he delivers it to the purchaser; and the person holding such certificate, his heirs, or assigns shall be entitled to a patent therefor, in the name of the state, under the seal thereof, signed by the governor, and countersigned by the secretary of state.

til all is sold, and certificates, &c. shall be given.

Patent, how issued.

SEC. 10. The said commissioner, shall keep a book, in which he shall keep a true and full account of each tract of land sold, the purchaser's name, and the amount it sold for, and shall forward a true transcript of said account to each of the offices of auditor and treasurer of state, within thirty days after such sale, and shall, within the same time, deposit in the treasury of state, all money and scrip by him received in payment of such lands.

Commissioner's books, how kept.

SEC. 11. The auditor and treasurer, shall each open an account current in their books, and shall enter, at full length, on such books, all the accounts, transcripts and returns made to them by said commissioner, together with the total amount said lands sold for, and the amount of scrip and money received from said commissioner, and shall make a final settlement with said commissioner, and give him a quietus, so soon as said commissioner shall pay all funds and scrip in his hands. And it is hereby made the duty of said commissioner, within thirty days after such sale is closed, to deposit his books of sale and his map by which he sold, in the office of the secretary of state.

Auditor and treasurer shall keep books.

SEC. 12. The secretary of state is required to cause to be prepared, numbered and printed, the necessary certificates for the purchasers of said lands, by half quarter sections, to be filled up and signed by the commissioner, and deliver the same to said commissioner, after having noted the number thereof, on a book to be by the secretary for that purpose kept. And the said secretary, auditor and treasurer of state, shall each receive as a compensation for their services required by this act, the sum of fifty dollars, to be paid out of any monies arising from the sale of said lands.

Commissioner's books to be deposited in secretary's office.

Secretary of state shall prepare certificates for commissioner

Secretary, auditor & treasurer's compensation.

SEC. 13. In all cases when the commissioner shall discover the existence of a combination between purchasers, to cause any tract of land to sell for less than its true value, if it were fairly sold, he is hereby authorized to bid such tract

Tracts not to sell for less than their value.

of land off on behalf of the state, and return the same as not sold.

Commissioner shall employ clerks, surveyors, &c. and their compensation.

SEC. 14. Said commissioner is hereby authorized to employ, at a fair compensation, the necessary clerks, draftsmen, surveyors, markers, and chain-bearers, to enable him to perform the duties required of him, and shall give to each person so employed, a true statement in writing, under his hand and seal, of the amount due to such person or persons, and what for, and such statement shall be a sufficient voucher for the auditor to audit the same, and the treasurer shall pay the same out of the first money arising from the sale of said lands: *Provided*, That persons or hands employed, shall only be allowed compensation for the time they are actually employed in service, and no compensation or expenses shall be paid for travelling to or from the place of beginning of their labor. And all the other necessary and incidental expenses, shall be certified, audited, and paid in like manner. And the said commissioner shall, for his services, receive the sum of two dollars per day, to be certified, audited and paid in like manner as above provided in this section.

Commissioner's compensation.

Commissioner's bond.

SEC. 15. Said commissioner shall, before entering upon the duties of his office, make and file in the office of the secretary of state, his bond, payable to the state, in the sum of fifty thousand dollars, jointly and severally with three or more such securities as may be approved of by the governor, conditioned for the faithful performance of all his duties as such commissioner, and for the true and faithful paying over, as required by law, of all the funds and scrip, by him received for lands, and rendering faithful and true accounts and statements of all his business and transactions, and making settlement, whenever called on by the auditor so to do; which bond shall be recorded in each of the offices of secretary, auditor and treasurer of state, and be, by the secretary filed in his office.

SEC. 16. Said commissioner shall not, either directly or indirectly, purchase more than one section of said land, nor shall he permit any of said lands to sell for a less price than one dollar and twenty-five cents per acre.

SEC. 17. Said commissioner shall immediately open a correspondence with the commissioner of the general land office of the United States, on the subject of said lands, and endeavor to bring the business to a satisfactory close; and also endeavor to procure the necessary further survey of said land to be done by the general government.

Commissioner shall not purchase more than one section, nor sell for less than \$1 25 per acre. Commissioner shall correspond with commissioner of general land office.

CHAPTER LXXIII.

An Act providing for the opening of that part of the Michigan Road, as lies between Logansport in Cass county, and the county seat of St. Joseph, at or near the Southern Bend of the St. Joseph river.*

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That so much of the Michigan road, as lies between the town of Logansport in Cass county, and the county seat of St. Joseph county, at or near the Southern Bend of the St. Joseph river, shall be, and the same is hereby directed to be cut and opened sixty-six feet wide, as soon as funds are obtained, by and through the sale of the Michigan road lands, and finished as soon as convenient thereafter, in the manner following, to-wit: cut and clear off, of said part of said road, all the logs, timber and underbrush, leaving no stumps more than one foot above the level of the earth: the creek banks to be graded, and the swamps and mud causewayed, and to be made passable for wagons: *Provided*, the contract-commissioner shall have power to make such slight changes in the location of said road, as shall not increase the distance, and may in his opinion improve the ground on which the location of said road is made.

Width of road

Manner of opening.

Commissioner may make slight changes in the route.

SEC. 2. That Noah Noble of Marion county, be, and he is hereby appointed a contract-commissioner on said road, to carry into effect the provisions of this act; and for that purpose, he is hereby directed to lay off said road into districts of not more than four miles in length, beginning at the town of Logansport, and number said districts in numerical order, one, two, three, and so on; and shall then, after giving four weeks notice in the town of Logansport, and the county seat of St. Joseph county, of the time and place of sale, proceed to let the same to the lowest bidder, at public outcry, at such times and places as said commissioner shall name in his notices, so as to have the whole under contract by the fourth Monday in August, 1831; *Provided*, funds should be obtained.

Commissioner and his duties

Notice of letting out the road, and how and when it shall be let.

SEC. 3. It shall be the duty of said commissioner to take bond, payable to the state of Indiana, in double the amount of such undertaker's contract, with at least two good and sufficient securities, conditioned for the true and faithful performance of the contract of such undertaker, within the time, and in the manner contracted for.

Undertaker shall give bond.

SEC. 4. So soon as any such undertaker shall have performed his contract to the satisfaction of said commissioner,

Commissioner shall give undertaker a

*This act is not approved by the governor, but was retained by him five days, and then deposited in the secretary's office. It therefore became a law agreeably to the 22d section of the 4th article of the constitution.
J. MORRISON, sec'y. of state.

certificate when contract is fulfilled, & how payable & receivable.

Secretary of state shall make out and have printed form of certificate, &c.

Certificates may be subdivided.

Commissioner's bond.

Commissioner shall keep a record of his proceedings and report to general assembly.

Compensation to commissioner.

It shall be the duty of said commissioner to give such contractor or undertaker, under his hand and seal, a certificate, stating the amount due to such contractor, and what it is due for; and said certificate, when so signed, sealed and delivered, shall be payable out of the first unappropriated monies arising from the sale of the Michigan road lands, and shall be received in payment of said lands when offered for sale.

SEC. 5. It is hereby made the duty of the secretary of state to make out the form of the certificates, and have them well and neatly printed on the best quality of paper, and number them in numerical order, one, two, three, and so on, and record them in a book for that purpose, and after the said commissioner shall have signed and sealed them, the secretary of state shall attest them, before they are delivered to the person in whose favor they are drawn, and the commissioner and secretary aforesaid, be, and they are hereby authorized to subdivide the certificates thus granted contractors, in sums of one hundred dollars each, if desired by the owner; and for any fractional sum that may likewise be due a contractor, there may be scrip issued by the authority aforesaid.

SEC. 6. That the said commissioner, before he enters upon the duty of his office, shall give bond, in the penal sum of twenty-five thousand dollars, with at least two sufficient securities, payable to the state of Indiana, conditioned for the true and faithful performance of his duty as such commissioner; which said bond shall be taken by the clerk of the circuit court of Marion county, Indiana, and shall be by him disposed of as follows, to-wit: first, he shall cause it to be recorded in the recorder's office of said county of Marion, and then shall forward a copy thereof, under the seal of said circuit court, to the secretary of state, to be by him recorded and filed and preserved in his office; and the original shall then be filed by said clerk in the circuit court clerk's office.

SEC. 7. Said commissioner shall keep a complete record of all his proceedings, the persons with whom he contracts, the amount and particulars of such contract, and the time when such contract may be or shall be completed, and all other proceedings necessary to be perpetuated; and shall lay a true copy of all his proceedings before both branches of the general assembly, at their next annual session, within the first week of said session.

SEC. 8. Said commissioner shall receive the sum of two dollars per day, for his service, for each day he shall be engaged in services, under the provisions of this act, payable out of the first monies arising from the sales of the Michigan road lands.

SEC. 9. That if the said commissioner hereby appointed, shall refuse to accept the appointment, or shall fail to give bond as required, and take upon himself the duties of said office, on or before the first day of April, 1831, or if a vacancy shall at any time happen in any way in said office of commissioner, it shall be the duty of the governor, immediately to appoint some person to fill said vacancy; and the person so appointed shall within fifteen days after his appointment, accept or reject said appointment, and if accepted, such person shall in all things be governed by the provisions of this act.

SEC. 10. That the commissioner herein appointed, in letting the contracts for opening so much of the Michigan road as is herein provided for, shall not let any one contract go at a higher price than one hundred and fifty dollars per mile; and in case bidders cannot be obtained on these terms, for all the road, he shall let to contract so much thereof as can be sold at prices not exceeding the price herein fixed, and withhold from sale the remainder, until further legislation takes place on the subject: *Provided, however,* That prairies and barrens, where there is not a sufficiency of timber to obstruct the road, and which do not require causewaying, shall not be offered for sale.

This act to be in force from and after its passage.

CHAPTER LXXIV.

An Act to locate a State Road from Connersville, by way of Goodlander's Mill, to Centreville.

[APPROVED, JANUARY 29, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Thomas Henkson of the county of Fayette, be, and he is hereby authorized to view, mark and locate a state road, commencing at the town of Connersville in Fayette county; running from thence to Goodlander's mill, and on the nearest and best way that a road can be had, to Centreville in Wayne county.

SEC. 2. The commissioner aforesaid shall proceed on the first day of March next, or on some subsequent day, after taking an oath, faithfully and impartially to discharge the duty required of him by this act, to view, mark and locate said road; and shall make all necessary surveys, taking with him a sufficient number of chain-carriers and markers for that purpose; and shall within three days after the location thereof, cause a report of the same to be filed in each of the clerk's offices of the counties of Fayette and Wayne; and it

shall be the duty of the counties aforesaid, to cause the same to be recorded in the record book of the board doing county business, within ten days thereafter.

County board shall cause road to be opened.

SEC. 3. It shall be the duty of the boards doing county business in the counties aforesaid, at their next meeting after the filing of said report, to cause the said road to be opened any width not exceeding fifty feet, in the same way and manner as is now or may hereafter be provided for opening and repairing public roads and highways.

Vacancies, how filled.

SEC. 4. Should a vacancy happen by death, resignation or otherwise, it shall be the duty of the board doing county business in and for the county of Fayette, to appoint some suitable person to fill such vacancy, who shall take the same oath before entering upon the duties herein required, as is required of the commissioner hereby appointed.

Compensation to commissioner and hands.

SEC. 5. It is hereby made the duty of the several boards doing county business in the counties aforesaid, to make to the commissioner, chain-carriers and markers, such allowance as to them may seem reasonable, which shall be paid by the counties aforesaid, in proportion to the length of said road in each county, out of any money not otherwise appropriated.

Releases to be taken.

SEC. 6. Said commissioner is hereby authorized and required, previous to making an absolute location of said road, to take releases of the various individuals through whose land said road may run, of all damages which any such individual or individuals may sustain, in consequence of said road running through his, her or their land, if the same can be had; which releases, when so taken, shall be by said commissioner filed in the clerk's office of the proper county in which the person or persons so releasing may reside, to be by said clerk filed in his office.

This act to take effect and be in force from and after its publication in the Indiana Democrat.

CHAPTER LXXV.

An Act to establish a State Road from Richmond in Wayne County, to Fort Wayne in Allen County.

[APPROVED, JANUARY 24, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That William Scarce of Wayne county, be appointed a commissioner to survey, mark and locate a state road from Richmond in said county, by Newport in said county, and thence on the best route, towards Winchester in Randolph county, to the north line of Wayne county:

Commissioner on part of road.

that John James be appointed a commissioner to survey, mark and locate and continue said road, commencing at the same point on said north line, by Winchester in Randolph county, thence on the direction of Fort Wayne, to the north boundary of the country attached to Randolph county; and that John B. Hedges be appointed a commissioner to survey, mark and locate and continue the same, commencing at the same point on said north line, to Fort Wayne in Allen county.

Commissioner on other part.

Commissioner on other part.

SEC. 2. The said commissioners shall meet at Winchester in Randolph county, on the first Monday of June, or some subsequent day prior to the first day of August, and after taking an oath faithfully and impartially to discharge the duties enjoined on them by this act, shall proceed to survey, mark and locate said road, agreeably to the provisions contained in the first section of this act, having respect to individual rights, so far as not materially to increase the distance of said road; and shall within thirty days thereafter, cause a report of the same to be filed in each of the clerk's offices in the several counties through which said road may pass; which reports shall by said clerks be recorded in the record books of the boards doing county business respectively.

Duties of commissioners.

Oath.

Report.

SEC. 3. Should any vacancy happen by death, resignation or refusal to serve, of any of said commissioners, it shall be the duty of the board doing county business where such vacancy may happen, to fill the same; and that said commissioners be allowed one dollar per day each, while necessarily employed in such location, to be paid out of the first monies appropriated in the respective counties through which said road may pass, out of the three per cent. fund.

Vacancies, how filled.

Compensation.

SEC. 4. It shall be the duty of the boards doing county business, through which said road may pass, if they deem it expedient, to cause the same to be opened any width not exceeding forty feet; and made agreeably to, and under the several acts that now are, or may be in force, relative to the opening and keeping in repair roads and highways.

C'ty boards may cause roads to be opened.

This act to take effect from and after its passage.

CHAPTER LXXVI.

An Act to locate a State Road from Connersville in Fayette county, to Louisville in Henry county.

[APPROVED JANUARY 19, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Allen Christler be, and he is hereby appoint-

Commissioner and his duties. ed a commissioner, to view, mark and locate a state road commencing at Connersville in Fayette county; thence north-westwardly, on a county road, to Harrisburgh in said county; thence in the same direction, on a county road to where the same crosses Williams' creek, near E. K. Munger's farm in Posey township, in Fayette county; thence on the same north-westwardly direction, through the north-east corner of Rush county, the nearest and best way a road can be had, to Garnett's post office, on the Centreville state road in Henry county; thence north on a county road to Louisville, on the national road, in Henry county.

Further duties SEC. 2. That said commissioner shall proceed, on the first Monday in April next, or on some subsequent day, after taking an oath faithfully to discharge the duties enjoined on him by this act, to view, mark and locate said road, and to make all necessary surveys, taking with him a sufficient number of chain-carriers and markers, and a surveyor; and shall within thirty days after the location thereof, cause a report of the same to be filed in each of the clerk's offices of the several counties through which the same may pass; which report shall within ten days thereafter, be recorded in the record book of the several boards doing county business, respectively.

Surveyor, &c. SEC. 3. That the said commissioner is hereby authorized, previous to making any absolute location of said road, to take releases of the various individuals through whose lands said road may run, of all damages which any such individual or individuals may sustain, in consequence of said roads running through his, her or their land; and the bond or bonds of releases shall be by said commissioner deposited in the clerk's office of the county of Fayette, to be by the said clerk filed in his office.

Commissioner shall report to county boards SEC. 4. That the said commissioner shall not be compelled to locate the said road on the route designated in the first section of this act, from Connersville to Harrisburgh, nor from Harrisburgh to Louisville, if a nearer or better route can be had, without claims for damages; and it is hereby made the duty of the said commissioner to take into consideration, in the location of said road, any improvements which the citizens residing on the above named route, or any other proposed route, may offer to make, taking from the person or persons thus proposing, an obligation for the effecting of such improvements.

Releases to be taken from owners of land, &c. SEC. 5. That in case of a vacancy by death, removal, resignation or refusal to serve, of the said commissioner, it shall be the duty of the board of commissioners of Fayette county, to fill such vacancy by appointment, at their first meeting after such vacancy occurs.

Commissioner may select a better route. SEC. 6. That the sum of fifty dollars be, and the same is

Improvements on road to be considered.

Vacancy, how filled.

hereby appropriated out of the three per cent. fund, (which sum of fifty dollars shall be considered as a part of such sum as may be allowed in the general distribution of the three per cent. fund to the county of Fayette) to defray all necessary expenses in carrying into effect the provisions of this act; and the agent of the three per cent. fund shall pay over the money so appropriated, to the commissioner aforesaid, whose duty it shall be to apply the same to the locating and opening of said road, in the best possible manner.

SEC. 7. The commissioner aforesaid shall be allowed the sum of one dollar and fifty cents per day, for each and every day he may necessarily be engaged in discharging the duties required of him by this act.

Appropriation of \$50, of three per cent. fund.

Compensation to commissioner.

CHAPTER LXXVII.

An Act to locate a State Road from New-Castle in Henry county, to Milton in Wayne county.

[APPROVED, JANUARY 13, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John Wright, senior, of the county of Wayne, be appointed a commissioner to view, mark and locate a state road, from New-Castle in Henry county, to Milton in Wayne county. The commissioner aforesaid shall attend, in the town of New-Castle, on the first Monday in April next, or on some day thereafter, and after taking an oath faithfully and impartially to discharge his duties according to the provisions of this act, shall proceed to view, mark, and locate a state road, between the points aforesaid, commencing at the town of New-Castle; thence running with a county road located from New-Castle, in the direction to Schook's mill, in Wayne county, commonly called the Schook's mill road, until it strikes the Wayne county line; thence the nearest and best way to Milton, in said county. And in locating the said road, so far as it is intended to run on the county road, the commissioner shall be authorized to make such alterations as he may deem necessary, so as not to injure the individual property through which the road may pass. The commissioner is hereby authorized to employ a surveyor, who shall make a correct plat and field notes of the same, and the same to be filed in the clerk's office of the counties through which the same may pass, and shall be by the said clerks, recorded in the record book of the boards doing county business in said counties, within ten days thereafter.

SEC. 2. It shall be the duty of the boards doing county

Commissioner and his duties.

Oath.

Survey of road to be filed and recorded.

County board shall cause road to be opened.

business, in each of the counties through which said road may pass, at their first meeting after the location aforesaid, to cause the same to be opened, any width not exceeding forty feet, and made agreeably to and under the provisions of the several acts for opening and repairing public roads and highways.

Commissioner shall receive subscriptions, &c.

SEC. 3. The commissioner aforesaid, is authorized to receive and collect all monies subscribed for the opening and repairing of the same, and shall expend the same in such manner on said road, as he may deem expedient.

Compensation to surveyor, &c.

SEC. 4. The commissioner aforesaid, and surveyor that may be employed, shall each be allowed one dollar per day, for each and every day they may be employed in locating the same, to be paid out of the monies subscribed as aforesaid; but if no subscription be made, to be allowed by the boards doing county business, in the counties of Wayne and Henry, and paid out of the treasury thereof.

Vacancy, how filled.

SEC. 5. If the commissioner aforesaid, shall refuse or neglect to perform the duties required of him by this act, and make return, before the first day of September next, the board doing county business in the county of Wayne, shall appoint a commissioner, who shall be governed in every respect as the commissioner before named.

This act to take effect and be in force from and after its passage.

CHAPTER LXXVIII.

An Act to provide for a State Road from Merom, in Sullivan county, to some point on the Terre Haute and Bono State Road, and for other purposes.

[APPROVED, JANUARY 20, 1831.]

Commissioner on road from Merom to Terre Haute state road and his duties.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Josiah Mann, of Sullivan county, and Samuel R. Cavens, of Green county, be, and they are hereby appointed commissioners, to locate and mark a state road from Merom, in Sullivan county, to such point on the state road leading from Terre Haute to Bono, as to the said commissioners may seem most advantageous to the public.

Oath of commissioner.

SEC. 2. It shall be the duty of the commissioners aforesaid, before entering on the duties enjoined on them by this act, to take an oath before some person authorized to administer oaths, to discharge the duties of their appointment, faithfully and impartially.

Surveyor, &c. to be employed.

SEC. 3. The commissioners shall employ, if they deem it expedient, a surveyor, chain bearers, and markers, and proceed from the town of Merom, on the first Monday of June

next, or on some subsequent day, to lay out and mark a road in the direction pointed out in the first section of this act. They shall keep an account of the number of days they may be necessarily engaged in discharging the duties hereby enjoined, and an account of all their necessary expenses; a copy of which shall be filed by the commissioners, in the clerk's offices of the counties of Sullivan and Green, and by the said clerks shall be laid before the boards doing county business, at their next session, who shall make such allowance, either in whole or in part, to the persons employed, as to them shall seem just and reasonable.

Account for service, to be kept and how paid.

SEC. 4. The commissioners shall make out a report of the route of the road so located by them, naming the most prominent points, and the distance from Merom to its intersection with the Terre Haute and Bono roads; which report it is hereby made the duty of the clerks of the respective counties, to enter upon their records, as a state road.

Report to be made to county boards.

SEC. 5. *And be it further enacted*, That Tiry Harris, of Sullivan county, and Bartlett Goodman, of Green county, be and they are hereby appointed commissioners, to locate and mark a state road, from White's ferry at the Narrows on the Wabash river, in Sullivan county, to intersect the state road leading from Spencer, in Owen county, to Carlisle, in Sullivan county, at or near Hayhuff's, in Green county. The commissioners appointed by this section, shall be governed in all respects, by the second, third and fourth sections of this act.

Commissioners on road from White's ferry to state road from Spencer to Carlisle, and his duties.

SEC. 6. If any of the aforesaid commissioners shall die, remove or refuse to serve, the boards doing county business in the county where such vacancy may happen, on being informed thereof, shall appoint some person to fill the vacancy.

Vacancies, how filled.

This act to take effect and be in force from and after its publication in the Indiana Democrat.

CHAPTER LXXIX.

An Act to establish a State Road from Rome, in the county of Perry, to Petersburg, in the county of Pike, and for other purposes.

[APPROVED, JANUARY 30, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That George Ewing, of the county of Perry, be and he is hereby appointed a commissioner, to locate and open a state road, any width, not exceeding forty feet, from Rome, in the county of Perry, to Petersburg, in the county of Pike.

Commissioner and his duties.

SEC. 2. That said commissioner shall enter into and file in the clerk's office, of the county of Perry, a bond with

Bond & oath of commissioner.

curity, to be approved of by said clerk, in the penal sum of two thousand dollars, conditioned for the faithful discharge of his duty, and shall also be by such clerk duly qualified, and shall on the first Monday of June next, or on some subsequent day, proceed to execute the duties required of him by this act.

SEC. 3. Said commissioner is hereby empowered, to employ a sufficient number of chain carriers, markers and a surveyor, and shall within thirty days after the location of said road, cause a report of the same to be filed in each of the clerks offices, of the several counties through which said road may pass; which report shall within ten days thereafter, be recorded in the record book of the several boards doing county business, respectively.

SEC. 4. *And be it further enacted,* That the state road, numbered twenty-seven, from Rome, in the county of Perry, to Fredonia, in the county of Crawford, thence to intersect the state road leading from Levenworth to Paoli, be and the same is hereby vacated as a state road.

SEC. 5. That the unexpended balance of the three per cent. fund, heretofore appropriated by law, to the laying out, marking and opening said state road, numbered twenty seven, be and is hereby appropriated to the laying out and opening the road contemplated by this act.

SEC. 6. That the agent of the three per cent. fund, shall, so soon as he shall receive a certificate from the said clerk of Perry county, that said commissioner has given bond and qualified, agreeably to the provisions of this act, pay to said commissioner, or his order, the amount of the three per cent. fund appropriated by this act.

SEC. 7. The said commissioner shall be allowed the sum of one dollar, for each day he may be necessarily employed in the duties enjoined on him by this act; and said commissioner is hereby authorized, to make a reasonable compensation to the surveyor, chain carriers and markers employed by him.

SEC. 8. That should said commissioner, in the location of said road, intersect with any of the leading state or county roads, leading to said town of Petersburg, he shall not be compelled to proceed any further in the location of said road, than such place of intersection.

SEC. 9. Should the board doing county business, in the county of Perry, deem it expedient, they are hereby authorized to instruct said commissioner, to expend any portion of the fund hereby appropriated, to the erection of a bridge or bridges, over any water course said road may cross.

SEC. 10. Said commissioner shall make a detailed report, to the agent of the three per cent. fund, on or before the first Monday in December, annually, until this appropriation

May employ
surveyor and
hands

Report to c'ty
boards.

State road No.
27 vacated.

Unexpended
balance of
road No. 27
appropriated.

Agent shall
pay over to
commissioner.

Compensa-
tion to com-
missioner and
hands.

If road inter-
sects it shall
go no further.

Commissioner
may be requir-
ed to erect
bridges.

Report, how
made.

is expended, setting forth the particulars of the expenditures by him made, with accompanying vouchers; a transcript of which shall be by such agent, transmitted to each house of the general assembly, on or before the second Monday of December, in such year, as to amount, without the items of expenditure.

SEC. 11. Should any vacancy occur, or should said commissioner refuse to qualify or serve, the commissioner shall be appointed, or the vacancy filled by the board doing county business in the county of Perry.

This act to be in force from and after its publication.

CHAPTER LXXX.

An Act to provide for the location of certain State Roads therein named.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Adam Hatfield of the county of Fountain, be, and he is hereby appointed a commissioner, to locate a state road, commencing at the Army ford, on big Raccoon creek in the county of Parke; thence to Montezuma in said county; thence to Covington in Fountain county; thence by way of Portland, to Lafayette in Tippecanoe county.

SEC. 2. That John Pence of the county of Clinton, be appointed a commissioner to locate a state road, leading from Frankford in Clinton county, to Lafayette in Tippecanoe county.

SEC. 3. That Perrin Kent of Warren county, be appointed a commissioner to locate a state road, commencing at Covington in Fountain county; thence to the state line, in a direction to Danville in Illinois.

SEC. 4. That Joel Lee of Putnam county, be appointed a commissioner to locate a state road, commencing at Greencastle in Putnam county, by way of Russelsville in said county, to Chambersburg in Fountain county.

SEC. 5. That William Newell of the county of Warren, be appointed a commissioner to locate and open a state road, commencing at Lafayette in Tippecanoe county; thence the nearest and best way, to the north-east corner of section sixteen, in range six west, township twenty-three; thence the nearest and best way to the out-let of the Cranberry lake; thence to intersect the state road leading from Crawfordsville, by way of Williamsport in Warren county, to the state line, on a direction to Chicago, at Parish's grove.

SEC. 6. That Lismund Basye of Tippecanoe county, be

Vacancy,
how filled.

Commissioner
on road from
Army ford to
Lafayette.

From Frank-
ford to Lafay-
ette.

From Coving-
ton to state
line.

From Green-
castle to
Chambers-
burg.

From Lafay-
ette to state
line towards
Chicago.

From Lafayette to Trail creek.

From Frankford to Delphi

Oath of commissioner & their duties.

Reports to be filed.

C'ty. boards shall cause roads to be opened.

Allowance to commissioners.

Commissioner on road from south line of Warren county to Le-grange.

From Walker's farm to Newport.

appointed a commissioner, to locate a road from Lafayette in Tippecanoe county, to the mouth of Trail creek on lake Michigan.

SEC. 7. That Thomas Gillam of Carroll county, the present commissioner on the state road leading from Frankford in Clinton county, to Delphi in Carroll county, be authorized to make such alterations in the location of said road, as he may think will be conducive to the public good; and also to extend the location of such road, in or near the same direction to where the same shall intersect the road, leading from Lafayette to the mouth of Trail creek on lake Michigan.

SEC. 8. The commissioners aforesaid, shall on the first Monday in May next, or on some subsequent day, after taking an oath faithfully and impartially to discharge the duties assigned them by this act, proceed, with such surveyor and other hands as may be necessary, to locate and distinctly mark the road committed to them, in the nearest and best direction, having due regard to the quality and situation of the ground; a plat of which location they shall file in the clerk's office of each county through which the same shall pass, so far as it runs through said county.

SEC. 9. It shall be the duty of the boards doing county business in the several counties through which said road may pass, at their first meeting after the location of said roads, to cause the same to be opened any width not exceeding forty feet, and made agreeable to and under the provisions of an act entitled "An act for opening and repairing public roads and highways."

SEC. 10. That the commissioners aforesaid shall each be allowed the sum of one dollar per diem, for every day they may be necessarily employed in the location of their respective roads; which together with all other necessary expenses, shall be paid out of the first monies received from the agent of the three per cent. fund, by the counties through which the several roads may pass, in proportion to the distance they or either of them may pass through the said counties.

SEC. 11. That John Seman of Warren county, be appointed a commissioner, to locate a state road from the southern boundary line of Warren county, where a county road from Perrysville in Vermillion county, intersects said line; thence by way of Baltimore and Williamsport, to Le-grange in Warren county.

SEC. 12. That William Bales of Vermillion county, be appointed a commissioner to locate a state road from Walker's farm in Parke county, through Clinton to Newport in Vermillion county.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXI.

An Act to provide for changing a part of the State Road from Terre Haute, through the New Discovery, to Crawfordsville.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. Be it enacted by the General Assembly of the state of Indiana, That Benjamin C. Fuller, of Parke county, be, and he is hereby appointed a commissioner, to re-locate a part of the state road from Terre Haute, through the New Discovery to Crawfordsville, to wit: beginning at the house of said Fuller, in Parke county; thence the nearest and best way to Dickson's mills; thence the nearest and the best way to the line dividing the counties of Parke and Montgomery, in a direction to Crawfordsville. And the commissioner aforesaid, shall cause the survey of the road so re-located, to be recorded in the clerk's office of Parke county; and the road so re-located and recorded, shall from thenceforth be considered a part of said state road; and so much of said state road, as lies between the house of the aforesaid Fuller and the said line dividing the said counties, shall from thenceforth, be considered vacated.

SEC. 2. The said commissioner shall have power to employ a surveyor and a suitable number of chain carriers and markers, to lay out said road, as proposed by this act.

SEC. 3. The said commissioner, after taking an oath, faithfully and impartially to discharge the duties required of him by this act, shall on the third Monday of March next, or on some subsequent day, proceed to view, mark and re-locate the said road, as heretofore directed; and it shall be the duty of the board doing county business in the county of Parke, to cause the said road to be opened, any width not exceeding forty feet, and made agreeable to and under the provisions of the several acts for opening and repairing public roads and highways.

SEC. 4. The board doing county business in the county of Parke, shall make such allowance to the commissioner aforesaid, and to the persons employed by him, as named in the second section of this act, for their services, as to them shall seem just and reasonable, to be paid out of the county treasury.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXII.

An Act to establish a State Road from William Connelly's in Lawrence county, to Green Castle, in Putnam county.

[APPROVED, FEBRUARY 7, 1831.]

Commissioner and his duties. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John Crook, of Lawrence county, be, and he is hereby appointed a commissioner, to view and mark a state road, from William Connelly's in said county, by Wood's ferry, and Spencer, in Owen county, to Teel's mill in Owen county.

Oath. SEC. 2. The said commissioner shall attend at the house of the said Connelly, in the county of Lawrence, on the first Monday in May next, or so soon thereafter as he may think proper, and after taking an oath, faithfully to discharge the duties assigned him by law, shall proceed to view and mark said road; and shall within thirty days therefrom cause a report thereof to be filed in each of the clerk's offices of the proper counties through which the same may pass. The same to be recorded in the record book of the boards doing county business in said counties, within ten days therefrom.

County board shall cause road to be opened. SEC. 3. It shall be the duty of the board doing county business, in each county through which the same may run, at their first meeting thereafter, to cause the said road to be opened any width not exceeding fifty feet, and made agreeably to, and under the several acts that now are or may be hereafter in force, relative to opening public roads and highways.

Vacancy, how filled. SEC. 4. Should a vacancy happen, by death, resignation or otherwise, the board doing county business in such county where such vacancy may happen, shall have power to fill the same.

Compensation to commissioner. SEC. 5. The commissioner aforesaid shall receive for each day he may be employed in laying out said road, the sum of one dollar, to be paid out of the county treasury of the several counties through which the same may pass, according to the time severally spent in each county.

Road from Teel's mill to Green Castle declared a state road. SEC. 6. That the county road from Teel's mill in Owen county, to Green Castle in Putnam county, be and the same is hereby declared a state road.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXIII.

An Act to establish a State Road from Rushville, in Rush county, to Greenfield, in Hancock county.

[APPROVED, FEBRUARY 9, 1831.]

Commissioners and their duties. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Nathiel Smith and Charles Fullen, of the county of Rush, and Basil Meek, of the county of Hancock, be and they are hereby appointed commissioners, to view, mark and locate a state road, from Rushville, in Rush county, to Greenfield, in Hancock county, to be located as follows, viz: commencing at Rushville; thence running with the state road, located from Rushville to Indianapolis, to the crossing of Hodge's creek; thence the nearest and best way to Greenfield, in Hancock county.

Time of meeting. SEC. 2. The commissioners aforesaid, shall, on the first Monday in May next, or as soon thereafter as may be convenient, after taking an oath, faithfully and impartially to discharge their duty, as required by this act, proceed to view, mark and locate the road as aforesaid; and shall within twenty days thereafter, file a report of their proceedings, in the clerk's offices in the counties of Rush and Hancock; which report shall be recorded by the clerk, in the record book of the board doing county business in said counties, within ten days thereafter.

City boards shall cause road to be opened. SEC. 3. The boards doing county business in said counties, shall, at their first meeting after the location of said road, cause the same to be opened, any width not exceeding forty feet, and made agreeably to, and under the provisions of the law for opening and repairing public roads and highways.

Compensation to commissioners. SEC. 4. The commissioners aforesaid, shall each be allowed the sum of one dollar and fifty cents, for each day they may be necessarily employed, in the discharge of the duty aforesaid, to be allowed by the boards doing county business, in the counties of Rush and Hancock, and paid out of the treasuries of said counties equally.

This act to take effect and be in force from and after its publication.

CHAPTER LXXXIV.

An Act establishing certain State Roads therein named, and for other purposes.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the county road leading from Petersburg,

Roads from Petersburg to Phillips' mill, and from same place to Wright's ferry declared state roads. Commissioners on road from Patoca to Conger's creek, may retain compensation for services, &c.

Commissioner to view part of road from New-Albany to Princeton.

His duties.

Report to c'ty boards.

Alteration ratified.

In what event no alterations shall be made.

Report in favour of either route confirmed.

in Pike county, to Phillips' mill, in Gibson county, be, and the same is hereby established a state road; and the county road leading from Petersburg, in the county of Pike, via. Wright's ferry on White river to Vincennes, be, and the same is hereby established a state road.

SEC. 2. That John Johnson and Archibald Campbell, of Pike county, and William Hargrave, of Gibson county, commissioners on the state road from the Upper bridge on Patoca, in Gibson county, to the plank bridge on Conger's creek in Pike county, be, and they are authorized to retain out of the funds heretofore appropriated on said road, the sum of one dollar per day, each, for every day they have been or may be necessarily employed on said road; and said commissioners are hereby authorized to pay the surveyor and chain carriers, for the time they were employed on said road.

SEC. 3. That James Smith, of Gibson county, be, and he is hereby appointed a commissioner, to view, survey and examine that part of the state road leading from New-Albany, by way of Corydon and Fredonia to Princeton, which was marked out by Daniel C. Lane and others, in pursuance of an act of the general assembly of this state, and which lies west of Hawkin's old place on said road, until the same strikes the county road leading from Princeton to Booneville; and also to examine the route between said last mentioned points on said road, marked out by Adam Shoemaker, commissioner of said road. And if after such examination, the said James Smith shall be of opinion that the route marked out by the said Adam Shoemaker, is on as good ground as the route before marked out by the said Daniel C. Lane and others, and shall also be of opinion that the distance has not thereby been increased to the public injury, taking the goodness of the ground into consideration, then and in such case it shall be, and hereby is made the duty of the said James Smith, to make a particular report thereof, to the clerk's office of the respective counties thereof, through which the same passes. And the said alteration of said road, is in that event hereby ratified and confirmed, and made a part of said road. But if the said James Smith, after such examination, shall be of opinion that the alteration made in said road by said Adam Shoemaker, is not on as good ground as the route formerly laid out by the said Daniel C. Lane; or that the distance has thereby been increased, so as to prove a public injury, then and in such case, it shall be the duty of the said James Smith, to lay off and mark out a road on the nearest and best ground, between the said point on said road at Hawkin's old place and the town of Princeton, and report the same as before directed. And whatever route may be reported by the said James Smith to the clerk's office aforesaid, in pursuance of this act, shall from thenceforth be deemed, taken,

and established as a part of the state road leading from Fredonia to Princeton.

SEC. 4. That the said James Smith shall be allowed the sum of one dollar and seventy-five cents, for each and every day he may necessarily be employed in discharging the duties enjoined on him by this act. He may also employ chain-carriers and markers, if it shall become necessary; all to be paid out of the funds heretofore appropriated on said road. And the said Adam Shoemaker is hereby authorized and required to pay the same, to the amount which may be in his hands.

SEC. 5. That John L. Smith of the county of Crawford, be, and he is hereby appointed a commissioner, to review and mark out that part of the state road leading from New Albany by way of Corydon and Fredonia, to Princeton, as lies between Corydon and Haley Goad's farm, about ten miles west of Fredonia, and that he make report to the clerk's offices of Harrison and Crawford counties; and whatever alterations may be made between said points, by the said Smith, shall be established as a part of the state road.

SEC. 6. That the said John S. Smith shall be allowed the sum of one dollar per pay, while necessarily engaged in reviewing said road, to be paid out of the funds applied to improving the same.

Compensation to commissioner and hands.

Former commissioner shall pay over money, &c.

Commissioner to review another part of said road.

Commissioner's compensation.

CHAPTER LXXXV.

An Act to re-locate part of the State Road leading from the Jeffersonville State Road, on the west side of Silver creek, to the lower Falls of Driftwood fork of White River.

[APPROVED, JANUARY 29, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That John Clark of Scott county, John Littler of Jackson county, and John Fischli of Clark county, be and they are hereby appointed commissioners to view, mark and re-locate that part of the state road leading from the Jeffersonville state road, to the lower falls of Driftwood fork of White river, beginning at the eighteen mile tree from Jeffersonville, as marked in the woods on the tract numbered 268, in the Illinois grant, to the lower falls of Driftwood fork of White river.

SEC. 2. The said commissioners, or any two of them, shall meet in the town of Charlestown in the county of Clark, on the third Monday of February next, or any day thereafter that may be agreed upon by any two of them, and after

Commissioners, and their duties.

When to meet.

Oath. taking an oath or affirmation, faithfully and impartially to discharge the duties enjoined on them by this act, shall proceed to view and mark said road; and shall within thirty days after the location thereof, cause a report of the same to be filed in each of the clerk's offices of the counties through which the same may pass; which report shall by said clerks, within ten days thereafter, be recorded in the record book of the proceedings of the several boards doing county business in the counties of Scott, Jackson and Clark.

Part of road confirmed. SEC. 3. That part of said road as marked heretofore by the commissioners appointed for that purpose, from the beginning of said road to the above mentioned eighteen mile tree, is hereby approved and confirmed.

Petitioners may open road, which shall not be vacated. SEC. 4. It shall be lawful for the petitioners and such other persons as may be willing to aid therein, to open said road so located; and when the same shall have been opened, it shall not be lawful for the boards doing county business in either of the counties of Clark, Scott or Jackson, to vacate the same, or any part thereof.

Vacancies, how filled. SEC. 5. Should any vacancy take place, by death, resignation or refusal to serve, of either of said commissioners appointed by this act, it shall be the duty of the board doing county business in the county in which such commissioner resides or resided, to appoint some suitable person to fill such vacancy.

Compensation to commissioners. SEC. 6. Each commissioner above named, or who may hereafter be appointed, shall be entitled to receive one dollar for every day necessarily employed in the discharge of the duties assigned him by this act, to be paid out of the treasuries of the counties through which said road shall pass, in proportion to the distance said road runs in the respective counties.

To surveyors and hands. SEC. 7. The surveyor and two chain-bearers employed in the first location of said state road, shall be suitably compensated by the said counties of Scott, Jackson and Clark, in just proportion to the extent of such road in each county.

C'ty. boards may adopt road as county road. SEC. 8. It shall be lawful for the boards doing county business in the counties aforesaid, or either of them, should they deem it expedient, at any regular meeting of such board, to adopt so much of said road as may lie in their respective counties, as a county road; and in that event, so much of said road as may have been adopted in manner aforesaid, shall thenceforth be considered a county road, and kept in repair as such.

CHAPTER LXXXVI.

An Act to establish a State Road from Washington in Wayne county, to New Castle in Henry county.

[APPROVED, JANUARY 13, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Daniel Bradberry of the county of Wayne, Commissioner and his duties. be, and he is hereby appointed commissioner, to view and mark a state road from Washington in Wayne county, to New Castle in Henry county.

SEC. 2. The said commissioner shall attend at the town of Washington in the county of Wayne, on the first Monday in April next, or on some subsequent day that he may determine on; and after taking an oath faithfully and impartially to discharge the duties required of him by this act, shall proceed to view and mark said road, between the points aforesaid, in as straight a direction as suitable ground for the same can be found; and the said commissioner shall, within thirty days after the location thereof, cause a report to be filed in each of the clerk's offices of the counties of Wayne and Henry; which report shall be recorded by said clerks in the record book of the persons doing county business in the said counties, within ten days after the filing of the same. When and where to attend. Oath. Report.

SEC. 3. It shall be the duty of the boards doing county business in the counties of Wayne and Henry, at their first meeting after the location of said road, to cause the same to be opened any width not exceeding forty feet, and made agreeably to and under the provisions of the several acts that now are, or may hereafter be in force, for opening and repairing public roads and highways. County board shall cause road to be opened.

SEC. 4. Should the commissioner aforesaid die, resign or refuse to qualify, it shall be the duty of the board doing county business in the county of Wayne, to appoint some suitable person to fill such vacancy. Vacancy, how filled.

SEC. 5. It is hereby made the duty of the persons doing county business in the aforesaid counties of Wayne and Henry, to allow the aforesaid commissioner such compensation as they may deem just, for the services rendered under the provisions of this act, to be paid out of the county treasuries of Wayne and Henry counties; and the boards doing county business in the said counties, shall cause the said road to be opened and kept in repair, in the same manner and by the same means that county roads are or ought by law to be opened and repaired. Compensation to commissioner. How opened, &c.

This act to take effect and be in force from and after its publication.

CHAPTER LXXXVII.

An Act to provide for opening a part, and re-locating a part of the Mauk's Ferry State Road.

[APPROVED, JANUARY 20, 1831.]

Commissioner and his duties. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Joseph Pownal of Bartholomew county, commissioner for said county, on the Mauk's ferry state road, be, and he is hereby authorized and required to mark, cut, clear and extend said road, from opposite the farm of Theophilus Evans, the point to which the same has been vacated, to a point on the established state road, fifty-six rods south of the north fork of Denaio's creek, and shall cause the same to be recorded and opened, as other parts of said road are to be recorded and opened; which when done, the same shall be considered a part of the Mauk's ferry state road, to all intents and purposes.

Re-location of part of road. SEC. 2. The said commissioner is hereby likewise authorized and required to re-locate that part of the said Mauk's ferry road, commencing forty-six rods south of the eighty-eighth mile tree, by the way of Arnold's mill; thence to the house of John Broom, between the ninety-first and ninety-second mile posts, and to locate the same on and upon the county road, between the points aforesaid, and to cause the said re-located part of said road, to be opened and kept in repair, as other parts of said road are; which road, when so re-located as aforesaid, shall be considered as a part of said Mauk's ferry road, to all intents and purposes.

Part changed. SEC. 3. *Be it further enacted*, That so much of the Mauk's ferry state road, as lies between the farm of Thomas Williams, three fourths of a mile south of the town of Franklin, and John Wilson's, north of said town, be and the same is hereby changed, so that the same shall pass on and along the county road, leading through the public square of the town of Franklin; and that part of said Mauk's ferry road lying between the points aforesaid, shall be vacated; and that part so changed as aforesaid, shall be considered a part of said Mauk's ferry state road, to all intents and purposes.

Part vacated. This act to take effect and be in force from and after its publication.

CHAPTER LXXXVIII.

An Act to establish and re-locate a part of the Madison State Road.

[APPROVED, JANUARY 24, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Daniel Boaz and Jesse Young, of John-

son, and Jedediah Olmstead, of Bartholomew county, be, and they hereby are appointed commissioners to re-locate so much of the state road from Madison to Indianapolis, as lies between the Sugar creek ford, and a point at or near the Johnson and Bartholomew county line, where said road crosses the same; the re-location to cross Blue river, below Thompson's mills. That so much of said road as lies between Mrs. Adams' and the Sugar creek ford, and now travelled as the county road, be, and the same is hereby established as a part of said state road.

SEC. 2. That if the citizens of Edinburgh and its vicinity, will make a good and safe ford at the crossing of Blue river, where the said state road was originally located, to the acceptance and satisfaction of the commissioners herein appointed, by the first day of November next, there shall be no change or alteration in said road, but in case they neglect or refuse to do it, then the said commissioners shall forthwith, proceed to the re-location herein provided for.

SEC. 3. That said commissioners, before they proceed to discharge the duties herein enjoined, shall take an oath before some person authorized to administer the same, to discharge the trusts herein committed, faithfully and impartially; and shall receive for their services, such compensation as the board doing county business, of their respective counties shall think proper to allow them.

This act to be in force from and after its publication.

CHAPTER LXXXIX.

An Act to establish a State Road from Jehu Perkins' in Rush county, to Napoleon in Ripley county.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John Talbott of Rush county, be and he is hereby appointed commissioner, to view and mark a state road, from some point near the house of Jehu Perkins, on the Brookville state road, and run from thence on or near a county road leading south-eastwardly, until it strikes the line dividing ranges ten and eleven east, near John Lowry's; thence south on said line until it strikes the Michigan road, near the town of Napoleon in Ripley county.

SEC. 2. That said commissioner, after taking an oath before some person authorized to administer the same, faithfully and impartially to discharge the duties herein enjoined, shall proceed to mark and view said road, to commence on the first Monday in May next, or as soon thereafter as he conveniently can; and shall within thirty days after the lo-

Report, cation thereof, cause a report of his proceedings to be filed in the clerk's office of each county through which said road may run; and the clerks of said counties are hereby required to record said report in the record book of the board doing county business, of their respective counties.

Vacancies, how filled. SEC. 3. Should the commissioner herein appointed die, resign or refuse to qualify, the board doing county business for Rush county, shall appoint some person to fill his place.

County board shall cause road to be opened. SEC. 4. It shall be the duty of the boards doing county business in the several counties through which said road may pass, at their first meeting after the location thereof, to cause the same to be opened any width not exceeding fifty feet, and made agreeably to and under the provisions of the several acts that now or hereafter may be in force, for opening and repairing public roads and highways.

Compensation to commissioner. SEC. 5. The commissioner herein appointed, shall be allowed one dollar and fifty cents per day, for each and every day he shall necessarily be employed in viewing and marking said road, to be paid out of any money appropriated for opening said road.

Appropriation of \$80 of three per cent. fund, from proportion to Rush, Decatur & Ripley counties. SEC. 6. That the sum of eighty dollars of the three per cent. fund, be appropriated for the purpose of opening said road, as follows, to-wit: fifteen dollars out of the appropriation made to Rush county, fifty dollars from Decatur, and fifteen dollars from Ripley county; and the commissioner herein named is authorized to draw, and the agent of the three per cent. fund is directed to pay the appropriation herein made.

Commissioner to open the road. SEC. 7. That Samuel Donnell of Decatur county, be and he is hereby appointed commissioner to superintend the opening of said road; and is authorized to draw and expend, in the opening of said road, the appropriation herein made.

Releases to be taken. SEC. 8. That the above named John Talbott be authorized to take releases, in writing, for land on which said road may run, from persons owning the same; and file such releases in the clerk's office of the county where the same is situate; and the clerk is required to record such releases upon the record book of the board doing county business; which when signed by the proper person, and recorded, shall forever secure for the use of said road, the land therein named.

SEC. 9. This act to be in force from and after its passage.

CHAPTER XC.

An Act to change the Road Commissioner on the State Road leading from Indianapolis to Lafayette.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Adam Wright of Marion county, be, and Commissioner he is hereby declared road commissioner, on the state road, and his duties. leading from Indianapolis to Lafayette, in the place of James McFarland, appointed by an act, approved, January 9, 1829.

SEC. 2. It shall be the duty of said Adam Wright, to take the same oath as is provided by said act, to be taken by the said James McFarland, and in all things to be governed by the said act, and all other acts referred to by said act. Oath.

SEC. 3. The said Adam Wright, is hereby authorized and required to demand of the said James McFarland, all monies, papers, and other articles in his possession, by virtue of his office of commissioner as aforesaid, and on refusal on the part of the said James McFarland, to so pay over or deliver, the said Wright is authorized and hereby directed, to sue for, and recover the same. McFarland to pay over money.

This act to take effect and be in force from and after its passage.

CHAPTER XCI.

An Act to provide for the re location of the State Road from Bono to Terre-Haute.

[APPROVED, FEBRUARY 4, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Thomas Plummer of the county of Green, Ephraim Owens, junior, of the county of Green, and Elisha U. Brown of the county of Vigo, be and they are hereby appointed commissioners to re-locate so much of the state road from Bono to Terre-Haute, as lies between the Lawrence county line and Terre-Haute, or so much thereof as by them may be thought expedient, making the town of Bloomfield a point in such re-location. Commissioners and their duties.

SEC. 2. The commissioners aforesaid, or any two of them, shall meet at the house of Elisha U. Brown in Vigo county, on the first Monday in June next, or on some subsequent day to be determined on by them, and after taking an oath faithfully and impartially to discharge the duties of their appointments, proceed to re-locate and mark so much When and where to meet. Oath.

of said road as lies between the points above named, or such parts thereof as the public interest may seem to require.

Surveyor.

SEC. 3. The commissioners aforesaid may or may not employ a surveyor and chain-carriers, as they conceive to be most expedient, and shall proceed to survey and mark the route of the new location, making such permanent marks, and referring to such prominent objects, as to indicate clearly the changes made by them in said road. It shall also be the duty of the commissioners aforesaid, to keep an exact account of the number of hands employed, and time occupied in discharging the duties enjoined by this act, a copy of which it shall be their duty to file in the clerks' offices of the several counties through which the re-location made by them may extend, and be by such clerks laid before the boards doing county business, at their next succeeding session.

Accounts to be laid before county boards

Report.

SEC. 4. The commissioners aforesaid shall make out a report, setting forth particularly the alterations, if any, which they may make in said road, a copy of which shall be filed in the several clerk's offices of the counties through which such re-location may extend, which report it is hereby made the duty of the clerks to record as a state road.

Compensation to commissioners.

SEC. 5. It shall be the duty of the boards doing county business in the several counties interested in the road above named, to make an allowance of one dollar per day to each person employed in the re-location of said road.

This act to take effect and be in force from and after its passage.

CHAPTER XCII.

An Act to provide for the re-location of part of a State Road from Green Castle in Putnam county, through Rockville in Parke county, to Newport in Vermillion county.

[APPROVED, JANUARY 7, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Thomas H. Blackburn of Parke county, be appointed a commissioner to re-locate so much of the state road from Green Castle in Putnam county, through Rockville in Parke county, to Newport in Vermillion county, as lies between Strange's branch and Rockville.

Commissioners and their duties.

SEC. 2. The commissioner aforesaid shall, on the first Monday in April next, or on some subsequent day, after taking an oath faithfully and impartially to discharge the duties enjoined on him by this act, proceed to view, mark

Further duties.
Oath.

and locate the said road, to make all necessary surveys, taking with him a sufficient number of chain-carriers and markers; and shall within thirty days after the location thereof, cause a report of the same to be filed in the clerk's office of the county of Parke, which report shall within ten days thereafter, be recorded in the record book of the board doing county business; and that part of the road so re-located under the provisions of this act, shall be considered as a part of said state road, and that part of the state road lying between the points of intersection, shall be vacated: *Provided*, That the petitioners pay all the expenses of such re-location.

Part vacated.

This act to take effect and be in force from and after its passage.

CHAPTER XCIII.

An Act to provide for a State Road from Terre-Haute, in Vigo county, via Carlisle, to Mount Pleasant, in Martin county.

[APPROVED, DECEMBER 31, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Samuel Young of Vigo county, Edward Wilkes of Sullivan county, and Julius Johnson of Martin county, be, and they are hereby appointed commissioners, to lay out and mark a state road from Terre-Haute in Vigo county, by way of Carlisle in Sullivan county, to Mount Pleasant in Martin county.

Commissioners and their duties.

SEC. 2. It shall be the duty of the commissioners aforesaid, to meet at the town of Terre-Haute, on the first Monday in June next, or on a day to be fixed upon thereafter, by themselves, and after taking an oath faithfully and impartially to discharge the duties enjoined by this act, to proceed to lay out and mark a state road, from Terre-Haute, by way of Carlisle, to Mount Pleasant in Martin county; and that they shall make out a report of the route of said road, and the distance from point to point; a copy of which shall be filed by them in the clerk's offices of the several counties through which the same may pass; and it is hereby made the duty of such clerks, to record the same in the record books of the boards doing county business in the several counties.

When and where to meet

Oath.

Report.

SEC. 3. The commissioners may, if they think proper, employ a surveyor, who, together with themselves, shall receive such compensation for their services, from the several counties through which the said road passes, in proportion to the distance in each, as to the boards doing coun-

Surveyor.
Compensation.

ty business, in them respectively, shall seem just and reasonable. The commissioners shall keep a true account of their expenditures, a copy of which shall be filed in the clerk's offices of the several counties, and be by the clerks of such counties, laid before the boards doing county business; and it is hereby made the duty of said clerks, to lay the same before them at their next succeeding session.

This act to take effect and be in force from and after its passage.

CHAPTER XCIV.

An Act to change a part of the State Road from Mauk's Ferry to Indianapolis, and for other purposes.

[APPROVED, JANUARY 7, 1831.]

Part vacated. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That so much of the state road from Mauk's Ferry to Indianapolis, as lies between the farms of Abel Findley and David Feglies in Jackson county, be, and the same is hereby vacated; and the said Mauk's Ferry road is hereby changed, and located along and upon the county road from the farm of the aforesaid Abel Findley, till it intersects the Bethlehem state road at Rockford or Fischlie's mills; and that part of the road so changed and located as aforesaid, shall thenceforth for all interests and purposes, be considered a part of the state road from Mauk's Ferry to Indianapolis.

Part vacated considered a county road. SEC. 2. *And be it further enacted,* That the aforesaid state road so vacated, shall from henceforth be considered a county road, unless the same shall be vacated by the board doing county business, and shall be kept in repair under the same rules and regulations that county roads are.

Act repealed. SEC. 3. *And be it further enacted,* That an act entitled "an act to provide for changing a part of the state road leading from Mauk's ferry to Indianapolis," approved, January 22nd, 1830, be and the same is hereby repealed.

CHAPTER XCV.

An Act for the location and opening of a State Road from Logansport, via Turkey Creek and Elkhart Prairie, to the northern line of the state in the direction of Pigeon Prairie, in Michigan Territory.

[APPROVED, DECEMBER 29, 1830.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That William Latty and John Jackson of Elk-

hart county, and Alexander Chamberlain of Cass county, be appointed commissioners to locate and open a state road from Logansport in Cass county, by way of Turkey Creek and Elkhart Prairie, to the northern line of the state in the direction of Pigeon Prairie, in Michigan Territory.

Commissioners and their duties.

SEC. 2. The said commissioners shall meet at the town of Logansport in Cass county, on the second Monday in May next, or as soon after as a majority of them may agree on, and after taking an oath, faithfully and impartially to discharge the duties required by this act, shall proceed to view and mark said road; and shall within forty days after the location thereof, cause a report to be filed in each of the clerk's offices of the counties of Cass and Elkhart, which report shall be recorded by the said clerks within ten days thereafter, in the record books, of the proceedings of the several boards doing county business, respectively; and the boards doing county business in the said counties, shall cause the said road to be opened and kept in repair in the same manner, and by the same means that county roads are, or ought by law to be opened and repaired.

When and where to meet

Oath.

Report.

C'ty. boards shall cause road to be opened.

SEC. 3. The boards doing county business in the counties of Cass and Elkhart, shall make such allowance to the commissioners, as to them shall seem just and reasonable, to be paid out of the treasuries of the said counties, and in case the said commissioners shall refuse to serve, or their appointments be otherwise vacated before the fulfilment of the duties required by this act, the boards doing county business in Cass and Elkhart counties, shall proceed to fill the same.

Compensation to commissioners.

Vacancies, how filled.

This act to take effect and be in force from and after its passage.

CHAPTER XCVI

An Act to change the Commissioner on a certain State Road in the county of Marion, and for other purposes.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Samuel Harding of Marion county, be appointed a commissioner in the place of Jesse Frasier, to locate and open a certain state road, under the provisions of the fifth section of an act, entitled "an act for providing for locating and opening a state road from Noblesville in Hamilton county, to Logansport in Cass county; and also a road from Indianapolis in Marion county, by Pendleton, to Andersontown in Madison county, approved January 29, 1830;" and that the said commissioner shall be entitled to

Commissioner and his duties;

one dollar per day, for each and every day that he may be employed in the discharge of his duties as commissioner, and shall be governed in all respects by the above cited act.

Commissioner
on Big Blue
river, and his
duties.

SEC. 2. And that Julius Woodford of Crawford county, be, and he is hereby appointed a commissioner, to receive, lay out and expend, the balance of an appropriation heretofore made, to improve the navigation of Big Blue River, by an act of the general assembly entitled, "an act to improve the navigation of certain rivers in this state," approved, January 24, 1828.

This act to be in force from and after its passage.

CHAPTER XCVII.

An Act to re-locate part of a State Road leading from Fort Wayne, in Allen county, in the direction of Fort Defiance, in the state of Ohio.

[APPROVED JANUARY 29, 1831.]

Commissioner
and his duties. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Thomas W. Swinney, of the county of Allen, be, and he is hereby appointed commissioner, to re-locate that part of the state road leading from Fort Wayne, in the direction of Fort Defiance, in the state of Ohio, that lies between Four-mile Creek and the state line; beginning at the Four-mile Creek bridge, from thence to Joseph Townsend's mill, on Six-mile Creek, and from thence to the road established by James Barnett, Esquire, at or near the house of Thomas Daniel, in said county.

Further du-
ties.

SEC. 2. The commissioner aforesaid, shall, on the first Monday of April next, or on such subsequent day as he may determine, and after being duly sworn by some person authorized to administer oaths in said county, proceed to re-locate said road as directed by the first section of this act, and shall in all respects be governed by the law to which this is a supplement.

Appropri-
ation of \$50 of
three per cent
fund.

SEC. 3. That the sum of fifty dollars out of the three per cent. fund, being a part of said fund which may be due the county of Allen, be allowed the said commissioner for the benefit of said road, whose duty it shall be to apply the same to locating and opening said road, under the same rules and regulations prescribed to other commissioners for opening other state roads.

Compensa-
tion to com-
missioner.

SEC. 4. The commissioner aforesaid, shall be allowed one dollar for every day he is necessarily employed at the same, to be paid out of the sum mentioned in the third section of this act.

This act to be in force from and after its passage.

CHAPTER XCVIII.

An Act to vacate part of a certain State Road therein named, and for other purposes.

[APPROVED, JANUARY 6, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That so much of state road number three, leading from Petersburg in Pike county, to Washington in Daviess county, as lies between White river and a point on said road where the same intersects the old county road in Pike county, be, and the same is hereby vacated; and that part of said county road, from the last mentioned point to Jeremiah Arnolds' ferry on White river, be, and the same is hereby established a state road.

CHAPTER XCIX.

An Act to re-establish a part of the State Road from Greencastle in Putnam county, by way of Rockville and Beard's mills in Parke county, Newport and Springfield in Vermillion county, to the state line, in the direction of Springfield in the state of Illinois.

[APPROVED, FEBRUARY 4, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That so much of the state road, from Greencastle in Putnam county, by way of Rockville and Beard's mills in Parke county, Newport and Springfield in Vermillion, to the state line, in the direction of Springfield in the state of Illinois, as lies between Springfield in Vermillion county, and the state line, be, and the same is hereby re-established along and upon the original survey and location of said road.

This act to take effect from and after its passage.

CHAPTER C.

An Act for the re-location of part of the Greensburgh and Clinton State Road.

[APPROVED, JANUARY 29, 1831.]

Commissioner
and his duties. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John Demry of the county of Putnam, be, and he is hereby authorized to re-locate so much of the Greensburgh and Clinton state road, as lies between the fifty-fourth mile post on said road, to where it intersects the

Cumberland road, so as to run from the fifty-fourth mile post as aforesaid, on the nearest and best route, to intersect the Cumberland road at Stilesville, in Hendricks county; thence along said Cumberland road, to where it leaves it in a direction to Clinton.

Commissioner shall cause road to be opened. SEC. 2. The commissioner aforesaid, shall cause that part of the road so changed, to be opened and recorded in the same manner as other parts of said state road were opened and recorded; and that part of the road so changed under the provisions of this act, shall be considered a part of said state road.

Compensation. SEC. 3. The said commissioner shall receive one dollar per day, for each and every day he may be necessarily employed in said re-location, to be paid, together with all other necessary expenses, out of any money that has been heretofore appropriated, and not otherwise disposed of, or any money that may be hereafter appropriated on said road.

Part vacated. SEC. 4. That so much of said state road, as lies between the fifty-fourth mile post, and where the said road crosses the Cumberland road, be, and the same is hereby vacated.

This act to take effect and be in force from and after its passage.

CHAPTER CI.

An Act to change a part of the State Road, from the state line in the direction of Vandalia in the state of Illinois, by way of the points therein named, to Greensburgh in Decatur county.

[APPROVED, JANUARY 30, 1831.]

Part vacated. SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That so much of the state road from the state line in the direction of Vandalia in the state of Illinois, by way of the points therein named, to Greensburgh in Decatur county, as lies between the town of Clinton in Vermillion county, to the state line, be and the same is hereby vacated.

Part established. SEC. 2. That the county road from Clinton in Vermillion county, to the state line, in the direction of Springfield in the state of Illinois, commonly called the Sangamon road, be and the same is hereby declared a state road, and shall be deemed and considered a part of said state road.

This act to take effect and be in force from and after its passage.

CHAPTER CII.

An Act to establish a State Road from the Tobacco Landing, on the Ohio river, by the way of Laconia, to Corydon in Harrison county.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Philip Beswick of the county of Harrison, be and he is hereby appointed a commissioner, to locate a state road from the Tobacco landing, on the Ohio river, by the way of Loconia, to Corydon. The said road hereby authorized to be located, shall be on the present county road, or as near as practicable to the same; and be opened any width not exceeding fifty feet; and the commissioner hereby appointed, shall, after he has made the location of said road, and filed a report of the same in the clerk's office of the county of Harrison, the same shall be considered a state road, agreeably to the several laws in this state regulating state roads; and the commissioner hereby appointed, shall receive one dollar per day, for his services, whilst employed in locating said road. Commissioner and his duties.

This act to take effect and be in force from and after its passage. Report.

CHAPTER CIII.

An Act compensating George Pea for extra causewaying on the State Road from Brookville to Indianapolis.

[APPROVED, FEBRUARY 10, 1831.]

Be it enacted by the General Assembly of the state of Indiana, That the sum of thirty-six dollars, to be paid out of the money appropriated in Rush county, be allowed George Pea, for extra causewaying eighty-six poles of the state road between the towns of Brookville and Indianapolis.

This act to take effect and be in force from and after its passage.

CHAPTER CIV.

An Act providing for a re-location of a part of the Fort Wayne State Road.

[APPROVED, JANUARY 19, 1831.]

Be it enacted by the General Assembly of the state of Indiana, That William Conner of Hamilton county, be and he is Commissioner and his duties.

Report.

hereby appointed a commissioner, and authorized to re-locate a part of the state road from Indianapolis to Fort Wayne, commencing where the said road leaves the Winchester state road, at the seventy-four mile post; thence running further along said Winchester road, an half mile or more, and leaving it at such point, so to intersect the present location of the said Fort Wayne road, as to make the distance less than at present, and to lay the road on better and more level ground. And upon such re-location being made, and a plat thereof filed in the clerk's office of the county of Hamilton, and the same being as well opened as the corresponding route of the former location, the said intermediate and other route, shall be vacated; and such re-location shall thereafter be and remain an integral part of the said Fort Wayne state road.

CHAPTER CV.

An Act to establish a State Road from Centreville to Winchester, and from Centreville to Washington.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the county road leading from Centreville, by the way of Williamsburgh, to Winchester in Randolph county, be and the same is hereby declared a state road.

SEC. 2. And the county road leading from Centreville to Washington, be declared a state road.

This act to be in force from and after its passage.

CHAPTER CVI.

An Act to locate a State Road from Miamisport in Cass county, to intersect the Michigan road, in a direction to the southern bend of the Big St. Joseph river, where said road crosses the Tippecanoe river.

[APPROVED, FEBRUARY 10, 1831.]

Commissioner and his duties.

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Abner Overman of Miamisport, be and he is hereby appointed a commissioner, to view, mark and lay out a state road from Miamisport in Cass county, to intersect the Michigan road, in a direction to the southern bend of the big St. Joseph river, where the said road crosses the Tippecanoe river.

SEC. 2. The said commissioner shall attend at Miamis-

port in Cass county, on the second Monday in April next, or on some subsequent day, and after taking an oath, faithfully and impartially to discharge the duties enjoined on him by this act, shall proceed to view, mark and lay out said road, as directed in the first section of this act.

Further duties. Oath.

SEC. 3. The commissioner aforesaid, shall immediately after the location of said road, make out a report, which he shall cause to be filed in the clerk's office of Cass county, within forty days after the location thereof; and it is hereby made the duty of the clerk aforesaid, to record the same in the record book of proceedings of the board doing county business in said county, within ten days after receiving the same.

Report.

SEC. 4. It shall be the duty of the board doing county business in the county of Cass, at their first meeting after the said road shall be so located and reported as aforesaid, to cause the same to be opened any width not exceeding forty feet, and made agreeably to and under the provisions of the several acts which now are or may hereafter be in force, for opening and repairing public roads and highways.

County board shall cause road to be opened.

SEC. 5. The commissioner aforesaid shall be allowed the sum of one dollar per day, for every day he may be necessarily employed in locating said road, to be paid out of the monies which may be due the county of Cass from a distribution of the three per cent. fund.

Compensation to commissioner.

This act to take effect and be in force from and after its passage.

CHAPTER CVII.

An Act to change part of the State Road leading from the town of New Castle in Henry county, to Crawfordsville in Montgomery county.

[APPROVED, DECEMBER 20, 1830.]

Be it enacted by the General Assembly of the state of Indiana, That the state road leading from the town of New Castle in Henry county, to Crawfordsville in Montgomery county, shall be so changed as to commence at the mile post on said road, one mile west of the town of New Castle; thence running west, three miles and one hundred and fifty-one poles; thence north forty degrees and fifty-six minutes west, two hundred and twenty-eight poles; thence north fifty-three degrees and thirty-seven minutes west, two hundred and eighty poles, to the original state road, twenty poles east of the six mile post.

This act to be in force from and after its passage.

CHAPTER CVIII.

An Act confirming the sale of certain School Sections therein named.

[APPROVED, JANUARY 19, 1831.]

Whereas, in pursuance of an act of the general assembly of the state of Indiana, approved, January 23, 1829, entitled "An act to authorize the sale of the school lands, and for other purposes," the inhabitants of congressional township number eighteen, range number thirteen in Randolph county, did assemble, and by almost unanimous vote, determine to sell said section; and under the impression that a majority of the votes of said township were taken, did return said election to the school commissioner of said county, who, in pursuance of his duty, did forthwith advertise and make sale of said section, advantageously for said township; And whereas, doubts have since arisen whether a majority of the votes of said township were actually taken at said election, and consequent doubts as to the legality of the titles of the purchasers; therefore,

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the sale of section sixteen, township number eighteen, range number thirteen east, shall be as valid to all intents and purposes, as though a majority of the citizens of said township had voted for the sale of said lands.

SEC. 2. That the sale of section numbered sixteen in congressional township numbered thirteen, range numbered one west, in the county of Wayne, be valid to all intents and purposes, as though a majority of all the citizens of said township had voted for the sale of such land.

CHAPTER CIX.

An Act supplementary to the act entitled "An act authorizing the sale of one of the reserved Sections of Land in the reserved Township of Land in Monroe county," approved, January 29, 1830.

[APPROVED, FEBRUARY 9, 1831.]

Be it enacted by the General Assembly of the state of Indiana, That the commissioner of the reserved township of land in Monroe county, be and he is hereby authorized, on the first Monday in May next, at Bloomington, to offer for sale to the highest bidder, the part of the above reserved section remaining unsold, on the same terms and conditions as provided for in the act to which this is a supplement; and if the said part of said section so remaining unsold, should

When and where sale shall be.

not sell as herein provided for, then the said commissioner is hereby authorized to sell to any person applying for that purpose, at private sale, on any subsequent day, any part of said section remaining unsold, after the said first Monday in May next; and the said commissioner, in making such sales, shall govern himself in all respects as provided for in the act to which this is supplementary, except as herein provided; and for such service shall be allowed such compensation as the board of trustees of the Indiana college shall deem reasonable.

Private sales authorized.

Compensation to commissioner.

This act shall be in force from and after its passage.

CHAPTER CX.

An Act to provide for the commencement of a State House.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That James Blake of the county of Marion, be, and he is hereby appointed a commissioner, to superintend the commencement of a state house, on the square originally designed for that purpose, in the town of Indianapolis.

Commissioner and his duty.

SEC. 2. It shall be the duty of said commissioner to procure or cause to be procured and delivered, on the aforesaid square, on or before the second Monday in May, 1832, two hundred and ten perches of rough, and one hundred and fifty perches of hewn or cut stone, all of which said commissioner shall cause to be preserved in a careful manner.

Stone to be furnished.

SEC. 3. The sum of three thousand dollars, is hereby appropriated out of the funds which have arisen and may hereafter arise from the sale of lots in the town of Indianapolis, and the donation lands adjoining the same, to purchase said materials; which money shall be paid to said commissioner by the treasurer of state, in the same manner that other funds are drawn from the treasury.

\$3000 appropriated.

SEC. 4. Said commissioner, before entering upon the discharge of his duties, shall give bond, with security to be approved of by the governor, payable to the state of Indiana, in the sum of ten thousand dollars, for the faithful discharge of his duties; which bond shall be deposited in the office of the secretary of state.

Bond of commissioner.

SEC. 5. Said commissioner shall receive, for each and every day he may necessarily be employed in the discharge of the duties hereby assigned him, the sum of two dollars.

Compensation.

SEC. 6. That said commissioner is hereby authorized to offer a premium of one hundred and fifty dollars, and to ad-

Premium for plan of a state house.

Construction.

advertise the same, for the best plan of said building, to be submitted to and approved by the next legislature, together with a detailed report of his proceedings. Said building shall be constructed on such a plan as that the whole cost shall not exceed forty-eight thousand dollars; which cost shall be paid out of the proceeds of the sales of lands donated to the state of Indiana, for the permanent seat of government, commonly called the Indianapolis fund, and out of no other. Said house to be of sufficient size to admit a representative hall, to contain one hundred members, and a lobby convenient and proportionate thereto, and a gallery to contain at least one hundred persons, with seats or pews rising in manner of an amphitheatre: a chamber for the senate, to contain at least fifty members, and a lobby of proportionate size, and a gallery to contain not less than one hundred persons, with pews or seats rising in the manner of an amphitheatre; with one room for the supreme court of the state; one room for the office of secretary of state; one room for the office of auditor of public accounts; one room for the state library; one room for the law library; six committee rooms; and six rooms to be occupied by the clerks of both branches of the legislature, as offices, during each session.

Notice.

SEC. 7. It is further made the duty of said commissioner, to advertise for the space of three months, in the papers of Indianapolis, that sealed proposals will be received for all such materials as the above act requires, and to let the same to the lowest and best bidder.

This act to be in force from and after its passage.

CHAPTER CXI.

An Act to appropriate part of the Three Per Cent. Fund, and for other purposes.

[APPROVED, FEBRUARY 10, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the sum of four hundred dollars, is hereby appropriated, out of the fund commonly called the three per cent. fund, to each of the counties in this state.

Appropriation of \$400 00 to each county.

County board in each county, shall appoint a commissioner to apply the money.

SEC. 2. The board doing county business for each county, shall, at some regular session, appoint a commissioner in such county, whose duty it shall be to superintend the application of the monies hereby appropriated, to his county, to the opening and improvement of such state roads, or parts thereof, or to the construction or repair of bridges thereon, or to the removal of obstructions in navigable streams with-

in such county, as such board in their discretion, may deem advisable, unless otherwise directed in this act.

SEC. 3. Such commissioner shall, on his appointment as aforesaid, enter into bond, payable to the state of Indiana, in the penal sum of eight hundred dollars, conditioned that he shall well and faithfully discharge his duties as such commissioner of the three per cent. fund for such county, by applying the same according to the requisitions of the law, and for the performance of his duties as such commissioner, generally, and shall also take an oath or affirmation, that he will, to the best of his skill and ability, discharge such duties.

Bond & oath of commissioner.

SEC. 4. On entering into such bond, to the acceptance of such board, and taking the oath as aforesaid, the clerk of said board shall, under their direction, deliver to such commissioner, a certificate thereof, and of said appointment, which shall authorize the agent of the three per cent. fund, to pay over, from time to time, to such commissioner, or his order, his proportion of such fund on hand.

Certificate of commissioners appointment.

SEC. 5. Should any commissioner refuse to qualify, or vacate his office, by death or otherwise, such board shall appoint some competent person to fill such vacancy, who shall be governed by the requisitions herein mentioned.

Vacancies, how filled.

SEC. 6. Where a commissioner is appointed by this act, for any county, the board doing county business therein, shall not appoint any commissioner, unless in case of a vacancy by a refusal to qualify, death or otherwise; and in any county in which by this act, specific objects of appropriation are pointed out, the commissioner in such county, shall execute his bond and govern himself accordingly.

A commissioner appointed by this act, shall not be removed by county board.

SEC. 7. Each commissioner shall keep an account of his expenditures and improvements, take vouchers, and report the same to said board, once at least in every year, and settle with said board; and on failure so to do, or to discharge the duties required of him by law, such board is required to put his bond in suit, and on the recovery of any debt or damages, to appropriate the same, under the care of another commissioner to be by them appointed, to the objects aforesaid, who shall be governed in all respects, as is herein before enjoined on commissioners.

Commissioner shall keep accounts, take vouchers and report to c'ty. board annually. Suit on bond for failure. Successor to be appointed.

SEC. 8. Each commissioner shall retain out of said funds coming to his hands, one dollar, for each day he shall be actually employed.

Compensation to commissioner.

SEC. 9. In any county in which any part of the three per cent. fund is hereby appropriated, to one or more specified objects, the residue of said fund shall be applied, under the direction of the board doing county business therein, as aforesaid.

Residue, how expended after specific objects.

SEC. 10. If by any act of this session of the General Assembly, any money has been appropriated out of the three

Appropriations to speci-

fic objects to be retained by agent, & balance p'd over.

per cent. fund, to any county or to any object or person within the same, the agent of said fund is hereby required to retain the amount of such special appropriation, out of the appropriation herein made to such county, paying over the remainder from time to time, to the commissioner of the same.

Commissioners appointed by this act shall give bond & take an oath, &c. Their duties.

SEC. 11. Each commissioner appointed by this act, shall execute bond and take an oath before the board doing county business in his county, with security in such bond, to be approved of by them, before he shall officiate as such; and be governed in all respects as other commissioners in this act mentioned are, unless otherwise herein directed.

Appropriation in Morgan county, how applied.

SEC. 12. That four hundred dollars of the three per cent. fund, appropriated to the county of Morgan, be, and is hereby applied as follows: one hundred and sixty dollars for the improvement of so much of the state road leading from Bloomington to Martinsville, as lies between Martinsville in Morgan county, and the southern line of said county; that Joshua Taylor be, and he is hereby appointed commissioner, to be governed in all respects agreeably to the provisions of this act. That the further sum of seventy-five dollars, be appropriated to the improvement of the state road from Martinsville to Mooresville, in the county of Morgan; that Isaiah Drury, be, and he is hereby appointed commissioner to superintend the improvement of said road.

Joshua Taylor commissioner, and his duty.

Isaiah Drury, commissioner.

John Denny, commissioner.

That the further sum of fifty dollars be appropriated to improve so much of the Greensburgh and Clinton state road, as lies within the county of Morgan; that John Denny, of Putnam county, be, and he is hereby authorized to apply the aforesaid money, as he may think most beneficial, under the provisions of this act; and that the further sum of seventy-five dollars, be, and is hereby appropriated, for locating and opening a state road from Mooresville in Morgan county, to intersect the state road leading from Spencer, in Owen county, to Danville in Hendricks county, at or near the farm of Solomon Dunagan in Morgan county; that Asa Bales of Morgan county, be, and he is hereby appointed commissioner to locate and open the aforesaid road. That the further sum of forty dollars be appropriated to repair a bridge crossing Stott's creek, on the road leading from Martinsville in Morgan county, to Indianapolis; that Grant Stafford, of the aforesaid county of Morgan, be, and he is hereby appointed to superintend the said repairs. That Isaiah Drury, of Morgan county, be, and he is hereby authorized and empowered to draw all sums hereby appropriated to roads in Morgan county, and pay over the same to the respective commissioners on said roads, and pay to Francis McClelland of the county of Marion, the sum of thirty-two dollars and seventy-five cents, for services rendered as commissioner, (and all other necessary expenses) in locating so much of the state road (leading from Martinsville in Morgan county, to Mooresville and Miller's mill, to intersect the Michigan road) as lies between Martinsville and the northern line of the aforesaid county of Morgan.

Asa Bales, commissioner.

Grant Stafford, commissioner.

Isaiah Drury, commissioner.

Pay to Francis McClelland.

per cent. fund, to any county or to any object or person within the same, the agent of said fund is hereby required to retain the amount of such special appropriation, out of the appropriation herein made to such county, paying over the remainder from time to time, to the commissioner of the same.

dered as commissioner, (and all other necessary expenses) in locating so much of the state road (leading from Martinsville in Morgan county, to Mooresville and Miller's mill, to intersect the Michigan road) as lies between Martinsville and the northern line of the aforesaid county of Morgan.

SEC. 13. That the sum hereby appropriated out of the three per cent. fund, to the county of Hendricks, be applied as follows: three hundred dollars for locating and opening a state road on the nearest and best route from Mooresville in Morgan county, via Danville, to the western line of Hendricks county, in a direction to Crawfordsville, in Montgomery county; that George Miller and James Trotter, of Hendricks county, be, and they are hereby appointed commissioners to locate and open said road; and the further sum of ninety dollars, be appropriated to the improvement of so much of the state road leading from Danville in Hendricks county, to Indianapolis, as lies between the aforesaid town of Danville, and the eastern line of Hendricks county; that George Miller of Hendricks county, be, and he is hereby appointed commissioner to superintend the application of said money, and he is hereby authorized and empowered to draw the aforesaid sums, and is further empowered to draw the sum of ten dollars, and pay the same to Francis McClelland of the county of Marion, for services rendered as commissioner, (and all other necessary expenses) in locating so much of the state road leading from Martinsville in the county of Morgan, to Mooresville and Miller's mill, to intersect the Michigan road, as lies within the county of Hendricks.

In Hendricks.

George Miller and James Trotter, commissioners.

George Miller commissioner.

Shall pay over to McClelland

SEC. 14. That the further sum of fifty dollars of said fund, be, and the same is hereby appropriated on that part of the state road, leading from Clinton, in the county of ——— via Franklin, to Greensburgh in Decatur county, which lies in the last named county; and that William Harberd of Decatur county, be appointed commissioner to draw for and apply the same.

Appropriation of \$50 in Decatur.

William Harberd, commissioner.

SEC. 15. That the sum of fifty dollars of said fund, be, and the same is hereby appropriated, to aid in the improvement of the navigation of that part of Flat-rock river, which lies in the bounds of Decatur county, and that David Jewett, be, and he is hereby appointed a commissioner to draw for and apply the same.

In Decatur.

David Jewett, commissioner.

SEC. 16. That the sum of one hundred and fifty dollars of said fund, be, and the same is hereby appropriated on that part of the state road, leading from Vernon in Jennings county, to Fort Wayne in Allen county, which lies in Decatur county, and that Thomas Pemberton be appointed a commissioner to draw for and apply the same.

In Decatur.

Thomas Pemberton, commissioner.

SEC. 17. That the further sum of fifty dollars of said fund,

In Decatur.

be, and the same is hereby appropriated on that part of the state road leading from George Cline's, in Franklin county, to the Michigan road in Decatur county, which lies in the last named county; and that John Brison be appointed a commissioner to draw for and apply the same.

John Brison,
commissioner.

In Decatur.

SEC. 18. That the further sum of fifty dollars of said fund, be, and the same is hereby appropriated on such state roads, or bridges over the same, in the said county of Decatur, as the board doing county business in said county may order or direct.

In Carroll.

SEC. 19. That the sum of four hundred dollars, be appropriated to the county of Carroll, to be expended in improving so much of the following state roads, as lies in the said county of Carroll, under the direction of the commissioners on the same, to wit: one hundred dollars on the road leading from Kirk's in Clinton county, through Delphi, to the road leading from Lafayette to the mouth of Trail creek; two hundred dollars on the road from Lafayette to Fort Wayne, and the balance on the road leading from Lafayette to the mouth of Trail creek.

In Tippecanoe

SEC. 20. That the sum of four hundred dollars be appropriated to the county of Tippecanoe, to be expended on such roads or bridges as the board doing county business may direct; except one hundred dollars, which shall be expended by the commissioner, in locating and opening the state road from Lafayette to the mouth of Trail creek, on Lake Michigan.

In Henry.

SEC. 21. That the sum of four hundred dollars, be appropriated in the county of Henry, one hundred and twenty-five dollars on the bridge or causeway, where the Crawfordsville road crosses Blue river; seventy-five dollars on the Fort Wayne state road; one hundred dollars on the state road from Centreville to Newcastle; and Asahel Woodward, commissioner, to appropriate the same; and one hundred dollars on the state road from Newcastle to Milton in Wayne county, and William Baker commissioner, appointed thereon.

Asahel Woodward
commissioner.

William Baker,
commissioner.

In Hancock.

SEC. 22. That the sum of four hundred dollars be appropriated in the county of Hancock: one hundred and fifty dollars on the state road running from Shelbyville to Anderson town; one hundred and fifty dollars on the state road from Greenfield to Rushville; and one hundred dollars on the state road from Rushville to Indianapolis; and Meredith Gosny commissioner to appropriate the same.

M. Gosney,
commissioner.

In Madison.

SEC. 23. That four hundred dollars be appropriated in the county of Madison: one hundred dollars on the state road from Anderson town to Indianapolis; one hundred dollars on the Greenfield state road; and one hundred dollars on the Crawfordsville state road; James Scott, commission-

James Scott,
commissioner.

er thereon: one hundred dollars on the Lafayette state road; and Brazelton Noland, commissioner to appropriate the same.

B. Noland,
commissioner.

SEC. 24. That four hundred dollars be appropriated in the county of Hamilton: one hundred and fifty dollars on the Lafayette state road, under the direction of the commissioner heretofore appointed thereon; one hundred and fifty dollars on the Crawfordsville state road, to be appropriated under the direction of the commissioner heretofore appointed thereon; and one hundred dollars on the Winchester state road, and Wilburn Davis, commissioner, to appropriate the same.

In Hamilton.

Wilburn Davis,
commissioner

SEC. 25. Johnson county; Madison state road, two hundred and fifty dollars, John Wilson, commissioner; road from state line, by Clinton, Mooresville, Franklin, to Greensburg in Decatur county, one hundred dollars, Simon Coovert, commissioner; Sugar creek from Hough's mill, one hundred dollars, John McConnel, commissioner. Shelby county; Blue river, one hundred and fifty dollars; Brookville state road, one hundred dollars, under Davis; Flat rock, fifty dollars; state road from Franklin to Greensburg in Decatur county, fifty dollars; Calvin Kinesly, commissioner, to draw on the agent of the three per cent. fund for the same.

John Wilson,
commissioner.

Simon Coovert,
commissioner.

John McConnel,
commissioner.

Davis, commissioner.

C. Kinesly,
commissioner.

SEC. 26. That the sum of four hundred dollars of the three per cent. fund, be appropriated to the county of Orange; which sum of four hundred dollars is hereby appropriated to the building of a bridge across Lost river, on the state road from New Albany to Vincennes, and Andrew Wilson of Orange county, is hereby appointed a commissioner, to build a good substantial bridge at the place above named.

Andrew Wilson,
commissioner.

SEC. 27. That the sum of four hundred dollars is hereby appropriated to the county of Lawrence; which sum of four hundred dollars, is to be applied to the building of a bridge across Salt creek in said county, where the road from Bedford to Indianapolis, now crosses said creek, and William Kelsy of Lawrence county, is hereby appointed a commissioner to lay out the money above named, to the building of said bridge.

In Lawrence.

William Kelsy,
commissioner.

SEC. 28. That the sum of four hundred dollars, be and the same is hereby appropriated for the improvement of state roads, bridges and navigable streams, in the county of Dearborn, in the following manner, to-wit: that the sum of two hundred dollars, be and the same is hereby appropriated toward finishing the Salt fork bridge, on the state road leading from Lawrenceburgh to Rushville, and from Lawrenceburgh to Fort Wayne, where both cross the same; and that Jacob Blasdel of Lawrenceburgh township, be

In Dearborn.

Jacob Blasdel
commissioner.

James Powell
commissioner.

John Barrick-
low, commis-
sioner.
In Dearborn.

James Rand,
commissioner.

R. Brandell,
commissioner.
John Barrick-
low, commis-
sioner.

In Gibson.

County board
shall draw ap-
propriation.

In Pike.

County board
shall draw ap-
propriation.

In Switzerland

Edward Pat-
ton, commis-
sioner.

authorized to superintend the completion of the same; and that the sum of fifty dollars be appropriated to repairing the state road leading from Aurora to Napoleon, and that James Powell be appointed to superintend the same; and the sum of fifty dollars be appropriated to repairing the state road leading from Rising Sun to Napoleon, and that John Barricklow be appointed to superintend the same; and that the sum of sixty dollars be appropriated to the opening of the navigation of Laughery creek, between Robert Canaway's ford and the western line of Dearborn county, and that James Rand be appointed to superintend the same; and that the sum of forty dollars be appropriated to the opening of the road from Madison to Lawrenceburgh, within the county of Dearborn, and that Reed Brandell be appointed to superintend the same; and John Barricklow, be and he is hereby appointed a commissioner, to draw on the agent of the three per cent. fund for the whole amount, and who shall pay over to the several commissioners in the county of Dearborn, who are hereby appointed for this object in said county.

SEC. 29. That the sum of four hundred dollars of the three per cent. fund, be and the same is hereby appropriated to aid in the opening of roads, erecting of bridges, and removing of obstructions to navigation in Gibson county; which shall be applied to objects aforesaid, or to either of them, in such manner, and under the direction of such person or persons, as the board doing county business in said Gibson county shall direct and appoint; and the said board doing county business in Gibson county, is hereby authorized to draw on the agent of the three per cent. fund, for the said sum of four hundred dollars, and the said agent is hereby required to pay the same.

SEC. 30. That the sum of four hundred dollars of the three per cent. fund, be and the same is hereby appropriated to aid in the opening of roads, erecting of bridges, and removing of obstructions to navigation in Pike county; which shall be applied to the objects aforesaid, or to either of them, in such manner, and under the direction of such person or persons, as the board doing county business in said Pike county shall direct and appoint; and the said board doing county business in Pike county, is hereby authorized to draw on the agent of the three per cent. fund, for the sum of four hundred dollars, and the said agent is hereby required to pay the same.

SEC. 31. That four hundred dollars be appropriated to Switzerland county, to the building of a bridge over Indian creek in said county, on or near the road leading from Vevay to Madison; and Edward Patton of Switzerland county, be and he is hereby appointed a commissioner, with au-

thority to draw the money hereby appropriated to Switzerland county, and to apply it to the object aforesaid.

SEC. 32. That the portion of the three per cent. fund, appropriated by this act to Posey county, be applied as follows, to-wit: two hundred dollars on the stage road from Cynthiana, by way of New Harmony and the lower bridge on Big creek, to Mount Vernon, to be drawn and laid out by Clement Whiting as commissioner, between Cynthiana and said bridge, and the said road between the last named points, is hereby established a state road; one hundred dollars on the state road from Mount Vernon to Princeton, to be drawn and applied by Andrew Cavett, the present commissioner on said road; one hundred dollars to aid in building a bridge across McFadin's creek, on the state road from Freedom to the mouth of the Wabash, to be drawn and applied by Arzer Lee, as commissioner.

SEC. 33. That of the sum of four hundred dollars hereby appropriated for Monroe county, part thereof be applied to removing obstructions in Bean Blossom creek, from William Hite's mill to its mouth, to be applied by Armstead Puett as a commissioner. And that Michael Buskirk, be appointed commissioner for so much of the state road, leading from Bloomington to Indianapolis, as lies within Monroe county: That Joseph Baugh be appointed commissioner for so much of the state road, leading from Bloomington to Bedford, as lies in said county; and, that George H. Johnson be appointed a commissioner for constructing a bridge over Clear creek in said county, where the last named road crosses the same; and the board doing county business in said county, shall apportion said funds among said commissioners for said objects, as they may deem most advisable. Michael Buskirk is authorized to draw from the agent of the three per cent. fund, said sum of four hundred dollars, and pay over to the other commissioners, that portion thereof assigned them by said board.

SEC. 34. That of the sum of four hundred dollars, hereby appropriated to Owen county, part thereof be applied to building a bridge over Rattlesnake creek in said county, under John Johnson as a commissioner; a part thereof for a bridge over Limestone creek in said county, under Neely Beem as a commissioner; and, that a part thereof be applied for a bridge over Fish creek in said county, under Alexander Eson as a commissioner; that a part thereof be applied to the opening of so much of the state road, leading from William Connelly's in Lawrence county, by Wood's ferry to Greencastle, as lies within Owen county; and, that Joseph Stephenson is appointed commissioner for the same. And the board doing county business in said county, shall, in their discretion, apportion said fund among said commis-

tion fund.
N. Beem,
shall draw
fund.

In Green.

C. Jossop,
commissioner.

S. R. Cavins,
commissioner.

R. Hopper,
commissioner.

John S. Moore
shall draw
fund, and pay
over as coun-
ty board di-
rect.

Commission-
ers to view a
state road
from Corydon
to Petersburg

When and
where to meet

Oath.

Report.

sioners, to be paid over to them by said Neely Beem, who is hereby authorized to draw the said four hundred dollars from said agent of the three per cent. fund, for that purpose.

SEC. 35. That one hundred dollars of the four hundred dollars hereby appropriated to Green county, be applied towards reimbursing and paying such citizens of said county, as have been concerned in building a bridge over Eel river in said county, and in finishing the same, if necessary, in proportion to the contribution and labour furnished by them for that object, under Caleb Jossop as a commissioner; and that another portion be applied towards building a bridge over Richland creek in said county, where the state road leading from Bono to Terre Haute crosses the same, as relocated by an act of this session, under Samuel R. Cavins as a commissioner; and a part thereof to be applied towards improving so much of said road as lies in Green county, under Raleigh Hopper as a commissioner; and the residue of said appropriation, to be applied as the board doing county business for said county may think proper, under John S. Moore of said county, who is hereby authorized to draw said four hundred dollars from the agent of the three per cent. fund, and pay the same over in such portions to the commissioners, in this section named, as the said board may think proper.

SEC. 36. *Be it enacted by the General Assembly of the state of Indiana,* That John Beard of Dubois county, James Brinton of Pike county, and George Grant of Harrison county, be, and they are hereby appointed commissioners to view, mark, and lay out a state road from Corydon in Harrison county, by Jasper in Dubois county, to Petersburg in Pike county; who, or a majority of them shall meet at Corydon, on the second Monday of August next, or on any day thereafter, which they or a majority of them may agree on; and after having taken an oath, faithfully and impartially to discharge the duties of them required by this act, they shall proceed to view, mark, and lay out, on the most direct and best route, a state road from Corydon in Harrison county, by way of Jasper in Dubois county, to Petersburg in Pike county. And within thirty days after having thus located and marked the same, they shall return a report thereof to the clerk's office in each county through which said road or any part thereof shall pass, stating as near as may be, the whole length of said road, and the length of the part which lies in each county; and the clerks of said counties, shall, in the proper books of their respective counties, record said report, or so much thereof as relates to that part of said road which lies in their respective counties.

SEC. 37. The board doing county business in the several

counties, through which said road or any part thereof shall pass, shall at their first or any succeeding meeting, after said report shall have been returned as aforesaid, cause such part of said road as lies in their respective counties, to be opened any width not exceeding thirty feet; and to be kept in repair, agreeably to the provisions of the several acts for opening and repairing roads and highways, which now are or hereafter may be in force. And the board doing county business in the counties through which said road or any part thereof shall pass, shall allow said commissioners, for locating and marking the part of said road which lies in their respective counties, such compensation as they may deem reasonable and just, to be paid out of their respective county treasuries.

SEC. 38. Should any vacancy occur by the death, resignation, or refusal to qualify of either of the commissioners aforesaid, the board doing county business in the county in which such vacancy shall have occurred, shall appoint a commissioner to fill the vacancy.

SEC. 39. The sum of two hundred dollars of the three per cent. fund is hereby appropriated to aid in erecting a bridge over Patoca river, at the place where said road crosses said river, and to assist in opening said road, which shall be applied in such manner, and under the direction of such person or persons, as the board doing county business in Dubois county shall direct and appoint. And the board doing county business of the said Dubois county, is hereby authorized to draw on the agent of the three per cent. fund for the said sum of two hundred dollars hereby appropriated, who is hereby required to pay the same.

SEC. 40. The sum of four hundred dollars, be, and the same is hereby appropriated, for the county of Sullivan, as follows: One hundred dollars be, and the same is hereby appropriated to Benjamin Jones, for aiding him in building a bridge across Busseron creek, where the state road crosses the same, leading from Evansville to Terre Haute; and the sum of two hundred dollars, be, and the same is hereby appropriated, to improve said state road, from Turtle creek, north, through Merom to the north line of Sullivan county; and the remaining sum of one hundred dollars shall be at the disposal of the board doing county business in said county.

SEC. 41. That the sum of four hundred dollars be, and the same is hereby appropriated, to be applied for the improvement of Eel river in the county of Clay, under the superintendence of John Rizley.

SEC. 42. That the sum of twelve hundred dollars, for the counties of Jefferson, Jennings and Bartholomew, be appropriated to the state road leading from Madison to Indianapolis; to be expended under the superintendence of So-

C'ty. boards
shall cause
road to be o-
pened.

Compensa-
tion to com-
missioners.

Vacancies,
how filled.

\$200 of fund
in Dubois
county, ap-
propriated to
bridge over
Patoca river.

County board
of Dubois shall
draw the \$200

In Sullivan.

B. Jones,
commissioner.

In Clay.

In Jefferson,
Jennings and
Bartholomew.

S. Robinson, commissioner. lon Robinson of Jennings county, on that part of said road which lies between Sand creek in Jennings, and Clifty in Bartholomew county; *Provided*, That amount should be necessary to put that part of said road in good repair.

In Vermillion. SEC. 43. That the sum of four hundred dollars, be appropriated to the county of Vermillion, to be expended as follows, to-wit: seventy-five dollars, for the improvement of the state road from Watkin's farm in Parke county, through Clinton to Newport in Vermillion county, to be expended by William Bales, commissioner on said road; one hundred dollars, to aid in building a bridge over Bruett's creek, where a state road from Clinton to the state line, in the direction of Springfield in the state of Illinois, crosses said creek, and that Cuthbert Spangler be appointed a commissioner to superintend the building of said bridge; one hundred and fifty dollars, to aid in building a bridge over little Vermillion, at the town of Newport, and that James Osborn be appointed a commissioner to superintend the building of said bridge; seventy-five dollars, for the improvement of the state road from the Wabash river, at the town of Perrysville, to the state line, in the direction of Danville in the state of Illinois, to be expended under the superintendence of Jacob Andrick, commissioner on said road.

In Wayne. SEC. 44. That the sum of four hundred dollars, be and the same is hereby appropriated for the purpose of opening and repairing the following state roads in Wayne county, to-wit: from Richmond to Fort Wayne; from Richmond to Logansport; from Washington to Newcastle; from Centreville to Connersville; from Milton to Newcastle; and from Centreville to Newcastle; and that John Bishop of Wayne county, be and he is hereby appointed a commissioner under the provisions of the act relative to the opening and repairing of state roads, to draw the amount above named, and expend the same in proportion to their length; with power to apply the money first drawn; on such road as he may consider most useful and necessary.

In Union. SEC. 45. That the further sum of two hundred and twenty-five dollars of said fund, is hereby appropriated on that part of the state road, leading from Connersville in Fayette county, via Brownsville, Liberty, to Oxford in the state of Ohio, which lies in the county of Union; and that Joshua Cully of Union county, be appointed a commissioner to draw and apply the same.

J. Cully, commissioner. In Union. SEC. 46. That the further sum of one hundred and seventy-five dollars of said fund, is hereby appropriated on the state road leading from Connersville in Fayette county, via Dunlapville, to Oxford in the state of Ohio, which lies in the county of Union, and that Matthias Freeman be appointed a commissioner to draw and apply the same.

M. Freeman, commissioner.

SEC. 47. That the further sum of one hundred and fifty dollars of said fund, be, and the same is hereby appropriated on that part of the state road leading from Rushville, in Rush county, to Brookville in Franklin county, which lies in the last named county, and that David Mount, of said last named county, be appointed a commissioner, to draw for and apply the same.

SEC. 48. That the further sum of two hundred and fifty dollars of said fund, be, and the same is hereby appropriated, on that part of the state road leading from Brookville in the county of Franklin, to Harrison, in the county of Dearborn, which lies in the first named county, and that Allen Backhouse, of said first named county, be appointed commissioner to draw for and apply the same.

SEC. 49. That four hundred dollars of the three per cent. fund, be appropriated in the county of Warrick, as follows, to wit: Fifteen dollars to be paid Samuel Hinman, for services in building a bridge across Little Pigeon, out of the first money received; the balance to be appropriated on state roads and bridges, by a commissioner to be appointed by the county court, to receive and apply the same, according to the direction of the court doing county business for said county.

SEC. 50. That four hundred dollars of the three per cent. fund, be appropriated in the county of Vanderburgh as follows, to wit: to be applied towards building a bridge across Big Pigeon, where the Freedonia road crosses the same, and that Alanson Warner, be, and he is hereby appointed commissioner to receive and expend the same.

SEC. 51. That the sum of four hundred dollars be appropriated out of the three per cent. fund, for the county of Harrison; two hundred dollars to be laid out on the road leading from the Tobacco Landing on the Ohio river, to Corydon, under the superintendence of such person as the board of commissioners may appoint for that purpose, and the balance to be applied on such state roads in said county, as the board of commissioners may deem necessary; which money may be drawn by the order of said board of commissioners.

SEC. 52 That all counties hereafter laid off, shall be entitled, on their organization, to the sum of four hundred dollars each, as provided for other counties in this act, until otherwise provided by law.

SEC. 53. That the sum of four hundred dollars by this act appropriated, as the portion to which the counties of Vigo, Marion, Boone, and Fountain shall be entitled, shall be paid to the order of the boards doing county business in said counties, to be appropriated under the direction of the supervisors of the proper road districts, on such state roads in

said counties, as the boards in their discretion shall point out.

No county entitled to more than \$400.

SEC. 54. Nothing in this act contained, shall be so taken or construed as to allow to any one county, under the provisions of this act, more than the sum of four hundred dollars.

\$50 in Jefferson and \$50 in Jackson, appropriated.

SEC. 55. That fifty dollars of the amount appropriated to Jefferson county, fifty dollars of the appropriation to Jackson, and fifty dollars of the appropriation to Jennings, be, and the same is hereby appropriated to improve the road leading from Brownstown to Madison, to be expended on the marshy ground through which said road runs, between Paris and Brownstown, under the direction of Samuel Finacle, who is hereby appointed a commissioner to draw and expend the same; and that the sum of fifty dollars out of the amount appropriated to Bartholomew county, be removed, to be expended under the direction of the board doing county business in said county.

S. Finacle, commissioner.

\$50 in Bartholomew.

In Dubois.

SEC. 57. And that the sum of two hundred dollars of the said three per cent. fund, appropriated to Dubois county, be, and the same is hereby appropriated to aid in opening and keeping in repair, that part of the state road leading from Petersburg via Portersville, to Paoli, which is situated in Dubois county, to be applied in such manner and under the direction of such person or persons as the board doing county business in Dubois county, may direct and appoint; and the said board doing county business in Dubois county, is hereby authorized to draw on the agent of the three per cent fund, for the said sum of two hundred dollars, and the said agent is hereby required to pay the same.

County board shall draw for \$200.

John Tobias, commissioner to improve Muscatituck river, and \$20 of portion to Scott and \$15 to Jackson, appropriated. Balance in Scott, how appropriated.

SEC. 58. That John Tobias, of Scott county, is hereby appointed a commissioner, for the removing obstructions out of the Muscatituck, from the mouth of Graham's fork; and twenty dollars of Scott county fund, fifteen of Jennings county, and fifteen of Jackson county funds, is hereby appropriated for that purpose; and said John Tobias shall be governed by the general provisions of this act; the remaining three hundred and eighty dollars appropriated in Scott county, shall be expended on state roads as directed by the new board of county commissioners.

CHAPTER CXII.

An Act changing the appropriation of a part of the three per cent. fund, made by the "act to improve the navigation of Lost river, Whitewater, and other streams therein named," approved January 18, 1830.

[APPROVED, FEBRUARY 10, 1831.]

Be it enacted by the General Assembly of the state of Indiana, That one hundred and twelve dollars of that portion of the three per cent. fund, appropriated for the improvement of the West Fork of Whitewater river, from the forks of said river to Goodlander's mill in Fayette county, by the act above referred to, be and the same is hereby directed to be appropriated on the state road, leading from Rushville in Rush county, to Brookville in Franklin county, on that part of said road within the county of Franklin, under the direction of David Mount, who is hereby appointed a commissioner for that purpose, and is authorized to draw the same from the agent of the three per cent. fund.

Appropriation changed to State road from Rushville to Brookville.

This act to be in force from and after its passage.

CHAPTER CXIII.

An Act concerning the town of Crawfordsville.

[APPROVED, FEBRUARY 1, 1831.]

Whereas, It has been represented, that Williamson Dunn, did heretofore lay off certain lots, adjoining and in addition to the town of Crawfordsville in Montgomery county, a plat of which he made out, and caused a copy thereof to be recorded in the recorder's office of said county; but the acknowledgment of which plat, was through mistake by him, omitted to be made: Therefore, SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the said Williamson Dunn, be and he is hereby authorized to make acknowledgment thereof, before the recorder of Montgomery county, or some justice of the peace thereof; a certificate of which acknowledgment, when so made, shall be, by the officer taking the same, endorsed on said plat; which certificate, the said Williamson shall forthwith cause to be recorded in the recorder's office of said county; and when so recorded, shall have the same force and effect as though it had been done before any of the above mentioned lots had been sold by said Williamson. And the transfer and sale of such lots, are hereby legalized and declared as valid, to all intents and purposes, as if such acknowledgment had previously thereto been made and recorded.

W. Dunn may acknowledge town plat and record the same.

Sales of lots legalized.

Dunn released
from penalty.

SEC. 2. That if the said Williamson shall within a reasonable time, comply with the foregoing provisions of this act, he shall be and is hereby declared released and acquitted from any penalty or forfeiture incurred by virtue of such omission, under the act entitled "An act for recording town plats," approved, January 21, 1818, any thing in said act to the contrary notwithstanding.

CHAPTER CXIV.

An Act supplemental to an act entitled "An Act concerning the town of Fort Wayne," approved, January 3, 1829.

[APPROVED, FEBRUARY 9, 1831.]

Be it enacted by the General Assembly of the state of Indiana, That the second section of the act to which this is an amendment is hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER CXV.

An Act to establish the town of Dayton.

[APPROVED, JANUARY 8, 1831.]

Whereas, It has been represented to this general assembly, that much inconvenience has arisen to the public, from the contiguity of three town plats in the county of Tippecanoe, on the road from Lafayette to New Castle, to-wit: the town of Marquiss, on the south side of said road; the town of Fairfield, on the north side of said road; and a third plat laid out on the west end of the said town of Fairfield, and opposite the said town of Marquiss: Therefore,

Be it enacted by the General Assembly of the state of Indiana, That the said towns of Marquiss and Fairfield, and the said plat on the west end of the said town of Fairfield, be and the same are hereby attached to each other, and shall henceforth constitute one town, by the name of Dayton.

CHAPTER CXVI.

An Act to vacate part of Water Street, in the town of Greencastle, and for other purposes.

[APPROVED, JANUARY 17, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That so much of Water Street, in the town of Greencastle, Putnam county, Indiana, as lies between lots number one hundred and ninety-five, and one hundred and ninety-six, be and the same is hereby vacated.

SEC. 2. That the alley crossing the square on which the Greencastle seminary is situated, in said town, be and the same is hereby vacated.

This act to take effect and be in force from and after its passage.

CHAPTER CXVII.

An Act to authorize the Circuit Court of the county of Posey, to change the venue in a certain case therein named.

[APPROVED, JANUARY 19, 1831.]

SEC. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the circuit court of the county of Posey, be authorized and empowered to change the venue in a certain case now pending in said court, wherein the state of Indiana is plaintiff, and Oliver P. Gram is defendant, on an indictment for murder, to the circuit court of the county of Gibson: *Provided,* such change be applied for by said Gram.

O. P. Gram's
case removed
to Gibson
county.
Proviso.

SEC. 2. Said Gibson circuit court, shall have the same jurisdiction to try said cause, as if said supposed offence had been committed by said Gram in the said county of Gibson, and also full power and authority to summon and recognize witnesses, and to do and perform all other things necessary and proper to try said cause.

SEC. 3. The papers in said cause, shall be forwarded by the clerk of the county of Posey, to the clerk of the county of Gibson, upon such change of venue being taken, in the same manner, and under the same rules and regulations as are prescribed in an act, entitled, "an act prescribing the mode of changing the venue," approved, January 28, 1824.

Papers to be
forwarded to
Gibson.

This act to take effect and be in force from and after its passage.

JOINT RESOLUTIONS, &c.

CHAPTER CXVIII.

A Joint Resolution of the General Assembly for printing certain Acts therein named.

[APPROVED, FEBRUARY 10, 1831.]

Resolved by the General Assembly of the state of Indiana, That fifteen hundred copies of the act of the present session, incorporating congressional townships, and providing for public schools therein, and twenty-five hundred copies of the act for opening and repairing public roads and highways, be printed in pamphlet form, for the use of school commissioners, township trustees, and supervisors of roads; and the secretary of state is hereby directed to superintend the printing of said acts, and to cause the same to be distributed among the different counties, with the laws of the present session, in due proportion.

CHAPTER CXIX.

A Joint Resolution on the subject of an interchange of Laws with other States.

[APPROVED, FEBRUARY 4, 1831.]

Resolved by the General Assembly of the state of Indiana, That for the purpose of obtaining at least one complete set of the laws of the several states and territories, the secretary of state, when he forwards to other states and territories, copies of the revised laws of the present session, shall respectfully request in return, a copy or copies of all laws of any state or territory, which may not be in the state library.

Resolved, That there shall be appended to every such request, a memorandum of the laws of the state or territory, already in the state library; and when laws shall be thus procured, they shall be deposited in the state library, for the use of those entitled thereto.

JOINT RESOLUTIONS.

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CHAPTER CXX.

A Joint Resolution of the General Assembly, on the subject of certain Public Offices.

[APPROVED, FEBRUARY 10, 1831.]

Resolved by the General Assembly of the state of Indiana, That the agent of state for the town of Indianapolis, be and he is hereby authorized and directed, to cause to be fitted up, the necessary rooms in the house erected on the governor's circle in said town, for offices for the secretary of state and auditor of public accounts; and to cause the said house to be repaired, by cleaning out the cellar, having shutters hung to the cellar windows, and the leaks in the roof stopped. *Resolved,* That as soon as the necessary arrangements are made, by the agent as aforesaid, the said offices shall be severally removed by the respective officers, to said house, and there kept until the further order of the general assembly.

CHAPTER CXXI.

A Joint Resolution on the subject of the Revised Laws.

[APPROVED, FEBRUARY 10, 1831.]

Resolved, by the General Assembly of the State of Indiana, That the secretary of state, be, and he is hereby required to append to the revised laws of the present session, explanations of the technical phrases and terms used in said laws.

CHAPTER CXXII.

A Joint Resolution respecting the printing of a certain act therein named.

[APPROVED, JANUARY 26, 1831.]

Be it resolved, by the General Assembly of the state of Indiana, That the secretary of state, be, and he is hereby directed to cause to be printed, five hundred copies of the "act regulating the mode of doing county business;" to be stitched and forwarded by the representatives, to the clerk's offices of the several counties, for the use of the boards and officers doing the county business. And said act is declared to be in force, in the several counties, from and after the day on which said printed copies may be deposited in the clerk's

office of the several counties: *Provided*, the persons now authorized to do county business in the several counties of this state, shall be authorized, and it is hereby made their duty, to continue to transact the business of their respective counties, until superceded by commissioners, elected by the authority of the before mentioned act.

CHAPTER CXXIII.

A Joint Resolution of the General Assembly of the State of Indiana, directing the secretary of state to deliver certain public documents to the board of trustees of Indiana College.

[APPROVED, DECEMBER 31, 1830.]

Resolved, by the General Assembly of the state of Indiana, That the Secretary of State, be directed to inform the board of trustees of Indiana college, that there are in his office certain boxes containing public documents, which through the munificence of the General Government, are to be presented to the trustees, by the legislature, as additions to the library of the college, and say that they are now subject to the order of the board of trustees.

Resolved, That the secretary of state be further directed, to present to the executive committee of the Historical Society of Indiana, for the use of said society, the boxes of public documents addressed to his office, or the governor of the state, and marked for the "Historical Society of Indiana," and also such further documents as may be addressed to his office or the executive of this state, and addressed to the said society.

CHAPTER CXXIV.

A Joint Resolution concerning the Canal Commissioners.

[APPROVED, FEBRUARY 10, 1831.]

Be it resolved by the General Assembly of the state of Indiana, That so much of the duties of the canal commissioners, as requires them to sell the canal lands, are hereby suspended until the further order of the general assembly.

CHAPTER CXXV.

A Joint Resolution on the subject of the Steam Mill proposed to be erected on the Donation, near Indianapolis.

[APPROVED, JANUARY 7, 1831.]

Be it resolved by the General Assembly of the state of Indiana, That James Blake & Co. who are about erecting a steam mill on the site sold off the donation by the state for that purpose, be and they are hereby authorized with the approbation, and under the control of the agent of the state, to select and use such timber as they may find convenient and of a suitable description for the erection of their mills, as may be procured on the donation: this privilege being restricted to aid, by the state, for the above object only, and to be used without waste to other timber.

This resolution to be in force and take effect from and after its passage.

CHAPTER CXXVI.

A Joint Resolution to extend time to the Commissioners of the Michigan Road, to report their proceedings.

[APPROVED, DECEMBER 13, 1830.]

Whereas, the sixth section of an act, entitled "An act to establish a state road from lake Michigan, by way of Indianapolis, to some convenient point on the Ohio river," provides that the commissioners shall keep a correct record of all their proceedings, and make complete maps, plats and field notes of their surveys, and file the same in the office of the secretary of state, on or before this day, the first Monday in December ensuing the passage of said act: *And whereas*, some unexpected occurrences deprive the commissioners on said road, of data now wanted to perfect their report, in conformity to the law aforesaid; therefore,

Resolved by the General Assembly of the state of Indiana, That the commissioners of the Michigan road, viz: Samuel Hannah, William Polke and Abraham McClelland, be allowed an extension of ten days time, to perfect and file their report under the act aforesaid.

CHAPTER CXXVII.

A Joint Resolution relative to the Illinois Grant.

[APPROVED, DECEMBER 24, 1830.]

Resolved by the General Assembly of the state of Indiana, That John Work, junior, and Walter Wheatly, be and they are hereby appointed commissioners of the Illinois Grant, to fill the vacancies occasioned by the death of Richard Taylor and Orlando Raymond; and it is hereby made the duty of the circuit court of Clark county, to fill all vacancies that may hereafter be occasioned by death, resignation or otherwise, by appointing suitable persons, residents within the bounds of said Grant, to fill the same.

CHAPTER CXXVIII.

A Joint Resolution relative to the Printing of the Laws.

[APPROVED, FEBRUARY 10, 1831.]

Resolved by the General Assembly of the state of Indiana, That Messrs. Douglass and Maguire have ninety days after the rising of the present general assembly, to complete the printing of the revised laws of the present session; and that Alexander F. Morrison and George Smith, each have the same time extended to them, to complete the printing of the journals of the senate and of the house of representatives, of the present general assembly.

CHAPTER CXXIX.

A Joint Resolution authorizing the District Court of the United States, to hold its session in the house erected on the Governor's Circle, during the session of the present General Assembly.

[APPROVED, DECEMBER 13, 1830.]

Be it resolved by the General Assembly of the state of Indiana, That the District court of the United States, for the District of Indiana, be permitted to hold its session in the house erected upon the governor's circle, during the present session of the general assembly of the state of Indiana.

This joint resolution to be in force from and after its passage.

CHAPTER CXXX.

A Joint Resolution of the General Assembly, for the relief of certain persons therein named.

[APPROVED, FEBRUARY 10, 1831.]

Resolved by the General Assembly of the state of Indiana, That William Sanders, the road commissioner on so much of that part of the state road leading from Madison, by the way of Vernon to Indianapolis, and Sand creek, be and he is hereby authorized and directed, to pay out of any money in his hands, appropriated to the improvement of said road, the balance due from said fund, in two drafts drawn by Joshua Wilkinson and William C. Bramwell, former commissioners on said road, on the agent of the three per cent. fund, and in favour of Richard C. Talbott and James H. Wallace; and that said drafts be received as sufficient vouchers, on settlement with the agent of the three per cent. fund.

This joint resolution to be in force from and after its passage.

CHAPTER CXXXI.

A Joint Resolution relative to the Auditor of Public Accounts.

[APPROVED, FEBRUARY 9, 1831.]

Resolved by the General Assembly of the state of Indiana, That the auditor of public accounts be, and he is hereby authorized, to draw upon the contingent fund, for the amount necessary to procure from the proper department, the tract books, maps, &c. which it is made his duty to procure and copy, in the "act concerning the auditor of public accounts and treasurer of state," passed at the present session of the general assembly; and that for copying and transmitting the same to the different counties in this state, the auditor shall be entitled to the same compensation as is allowed for the original, payable out of the same fund, upon his certificate of having performed said duties.

CHAPTER CXXXII.

A Joint Resolution for the relief of Robert Patterson.

[APPROVED, FEBRUARY 1, 1831.]

Resolved by the General Assembly of the state of Indiana, That the agent of state for the town of Indianapolis, be

required forthwith, to ascertain by actual measurement, the quantity of ground contained in the west half of the large field, on the donation adjoining the town of Indianapolis, which was leased to Robert Patterson in the spring of 1827; and if the same shall not contain a quantity of acres, equal to that for which it was leased to Robert Patterson aforesaid, the said agent is hereby directed and required, to credit the said Robert Patterson, with the amount of deficit, per acre, that the said Robert Patterson was to have paid, as rent to the agent as aforesaid.

Resolved, That the said Robert Patterson, shall not be bound to pay to the agent aforesaid, any interest on rents, arising from his lease as above mentioned, until the whole shall have become due.

CHAPTER CXXXIII.

A Joint Resolution of the General Assembly, on the subject of the Michigan Road.

[APPROVED, DECEMBER 24, 1830.]

Whereas, in the investigation of those documents, referred to the committee on roads, the committee find, amongst other objections set forth, that a plat of said road has never been forwarded, to the proper department, so that the length of said road is not known to the secretary of the treasury: Wherefore,

Be it resolved by the General Assembly of the state of Indiana, That the secretary of state make out and transmit to the commissioner of the general land office, certified copies of the plat and field notes of the Michigan road as filed in his office, shewing the length of said road; and that William Polk one of the commissioners, make out a complete map with the survey and field notes of that part of said road which passes through lands not surveyed by the United States, with a plat of land by the commissioners surveyed, and transmit the same to the surveyor general's office.

CHAPTER CXXXIV.

A Joint Resolution in favor of William Lindsey, Howard Putnam, Peter Houston, Francis Odler or Outler, Culbrith Tisdell, William Ray and William Owens, soldiers of the revolution.

[APPROVED, DECEMBER 24, 1830.]

Representations made to the General Assembly of the State of Indiana, in behalf of brave and faithful soldiers of

the army of the revolutionary war, over whose faculties the obscurities of time, with change of residence, and long absence from early associations, have cast a shade that unfits them to procure proofs required under the pension laws and existing regulations of the United States, will, it is hoped, cause provision to be made by the proper authority, for their relief. Such men belong to the Union, and a portion of the abundant means of the country they aided to redeem from thralldom, should be so applied, as to save them from the degradation of township paupers. He who shed his blood and hazarded his life for the freedom we now enjoy, the soldiers of liberty, laboring under the infirmities of age, and living as a county or township pauper, is indeed an afflicting spectacle. Whether the enactments of the United States, to provide for the destitute and helpless soldiers of the revolution, should be changed, or whether they should be rendered by construction, more general and liberal in their application, this general assembly do not presume to determine; but it is proper to state, that the people and government of Indiana, would witness their extension with joy, to embrace all such cases of merit, oppressed by poverty, as are herein presented for relief.

The accompanying affidavit and petition of William Lindsey, should render his claim on the United States, justly valid, if not irresistible; and the case of Howard Putnam, whose honorable discharge is on file in the pension office, at Washington city, should be viewed as equally so. Of other cases, seeking the interference of this body, to induce congress to provide for them, the claims of Peter Houston, Francis Odler, (or Outler) Culbrith Tisdell, William Ray, and William Owens, are selected as worthy, under a conviction that they are also just: Therefore,

Resolved by the General Assembly of the state of Indiana, That the senators and representatives of this state, in the congress of the United States, be and they are hereby requested, to exercise their best exertions to procure a pension for William Lindsey, Howard Putnam, Peter Houston, Francis Odler, (or Outler) Culbrith Tisdell, William Ray, and William Owens, poor old soldiers of the revolutionary war, now residents of the state of Indiana, and deemed to be well deserving the pittance allowed in certain cases by law, to all such.

Resolved, That his excellency, the governor, be requested to cause the foregoing statement and resolution, with the affidavit and petition in favor of William Lindsey, to be communicated severally to each of the senators and representatives of this state, in the congress of the United States.

CHAPTER CXXXV.

A Joint Resolution to improve the navigation of the Wabash and White Rivers.

[APPROVED, JANUARY 19, 1831.]

Whereas, The navigation of the Wabash, and also that of the White river, together with the east and west forks thereof, is a very desirable object in many national points of view; and whereas, an immense tract of country, as well the west as that of the interior of the state of Indiana, is watered by these streams, it absolutely becomes necessary that the obstructions to their navigation should be removed, in order to afford an outlet to the surplus produce of an increasing population of an extensive country: Therefore,

Resolved, by the General Assembly of the state of Indiana, That our senators in congress be instructed, and our representatives requested, to use their utmost exertions, to get the United States to make an appropriation for the purpose of removing the obstructions out of the same, from the points to which they are declared navigable, to the confluence of the same.

Resolved, That the governor of this state be requested to transmit a copy of the foregoing resolution, to each of our senators and representatives in congress.

CHAPTER CXXXVI.

A Joint Resolution of the General Assembly of the State of Indiana, on The subject of a land office to be established in the northern part of said state.

[APPROVED, DECEMBER 29, 1830.]

Whereas, many citizens in the northern part of this state, and emigrants thereto, labor under many and great disadvantages for want of a land office in their neighborhood. *And whereas*, there is a part of the lands in the northern part of the state, which are believed not to be attached to, or included within any land district, whereby the first settlers of said district have been deprived of the benefit of the law of congress, granting pre-emption rights to actual settlers of unsold lands: Therefore,

Resolved, by the General Assembly of the state of Indiana, That our senators in congress be instructed, and our representatives requested, to use all reasonable exertions to procure the establishment of a land office, at the county seat of St. Joseph county, at or near the south bend of the St. Joseph river, of Lake Michigan, or at such other point in the

northern part of this state, as to Congress shall seem reasonable.

And be it further resolved, That his excellency, the governor, be requested to transmit a copy of the foregoing preamble and resolution, to each of our senators and representatives in congress.

CHAPTER CXXXVII.

A Joint Resolution for the benefit of John Rodgers.

[APPROVED, DECEMBER 29, 1830.]

Whereas, it appears to this general assembly, by satisfactory evidence, that John Rodgers, formerly a private in a company of mounted riflemen, in the militia commanded by General William Henry Harrison, was rendered incapable of performing the duty of a soldier, and totally disabled from obtaining his subsistence by manual labor, by reason of a wound he received on the 7th day of November, 1811, at the battle fought at Tippecanoe in the then territory, now state of Indiana, while he was actually in the service aforesaid, and in the line of his duty. *And whereas*, it further appears to this general assembly, that the said John Rodgers, as early as the year 1812, and at several times since, made application to be placed on the pension list, but from neglect or omission of those to whom he thus made application, the same was not properly attended to: *And whereas* it is suggested, that the rule adopted by the war department, does not allow a person to be placed on the pension list, to draw pay, except from the time of the successful application; and it seeming to this general assembly, that in justice to the said John Rodgers, he ought to draw pay from the date of his discharge from the service aforesaid: Therefore

Resolved, by the General Assembly of the state of Indiana, That our senators in congress be instructed, and our representatives requested, to use their best endeavors, to procure the passage of a law, allowing the said John Rodgers to draw pay as an invalid soldier of the late war, from the time of his discharge from the service as aforesaid.

Be it further resolved, That the governor be requested to transmit a copy of the foregoing resolution, to each of our senators and representatives in congress.

CHAPTER CXXXVIII.

A Joint Resolution relative to an appropriation of land to aid in the improvement of the state road from Madison to Indianapolis.

[APPROVED, DECEMBER 29, 1830.]

Whereas, The state road leading from Madison on the Ohio river, by way of Vernon, Columbus, and Franklin, to Indianapolis, has become a mail route of very considerable importance, it being the most direct route from the seat of government of the state of Kentucky, to the capital of this state: *And whereas*, a mail stage was last summer and a part of last fall, run on said state road, but was discontinued in consequence of the bad condition of the same: *And whereas* the said state road will, in a few years, become one of the most important mail routes, in the western country, and one of the principal avenues of communication between the interior of the state and the Ohio river: *And whereas*, the population on, and adjacent to some parts of said road, is so scattering, that they are unable to repair the same, without assistance from some source or other; *And whereas*, there is a great quantity of unappropriated land, of an inferior quality, lying along and in the vicinity of said road, which has been in market from eleven to twenty years, a small part of which, if appropriated to repairing said road, would have a tendency to enhance the value of the residue of said land, and be of great advantage to the public, by facilitating the transportation of the mail, merchandize and products of the country: Therefore

Resolved, by the General Assembly of the state of Indiana, That our senators be instructed, and our representatives be requested, to use their best endeavours to obtain from congress, a donation of twenty-five sections of the said unappropriated land, to be laid out in the improvement of that part of said state road, which lies between the north line of Jefferson county, and Clifty creek in Bartholomew county, under the direction and control of the legislature of this state.

Resolved, That his excellency, the governor, be requested to transmit a copy of the foregoing preamble and resolution, to each of our senators and representatives in congress.

CHAPTER CXXXIX.

A Joint Resolution of the General Assembly of the State of Indiana, relative to the Indians, and Indian lands within the state.

[APPROVED, DECEMBER 31, 1830.]

Whereas, There are still residing within the state of Indi-

ana, two small tribes of Indians, not exceeding in number two thousand persons; *And whereas* those tribes of Indians, own and occupy large tracts of the very best soil of the state, including some of the most valuable districts or portions of the country, which from general report they are anxious to sell; *And whereas* their further occupancy of those lands, tends very much to check the progress of emigration, settlement and improvement; is almost an insurmountable barrier to any general system of internal improvement by the state, is a great drawback not only to the interests of this state, but also of the United States, and must jeopardize and eventually destroy the peace and happiness of the Indians themselves: Therefore,

Be it resolved by the General Assembly of the state of Indiana, That our senators in congress, be, and they are hereby instructed, and our representatives requested, to use their joint and several, and immediate and constant exertions, to procure the passage of an act of congress, authorizing the total extinguishment of the Indian title to lands within the limits and jurisdiction of the state of Indiana, as soon as possible.

Resolved, That the governor be, and he is hereby requested forthwith to forward to each of our senators and representatives in congress, a copy of the foregoing preamble and resolution.

CHAPTER CXL.

A Joint Resolution of the General Assembly of the State of Indiana, relative to certain roads therein named.

[APPROVED, JANUARY 6, 1831.]

Whereas, There is a great extent of valuable country, destitute of a good passable road, between Lawrenceburgh in Dearborn county, on the Ohio river, and the southern bend of the St. Joseph river, of Lake Michigan; and as a great proportion of the lands through which a road from Lawrenceburgh to the said southern bend, would pass, still belongs to the United States, and that a road properly constructed through said section of country, would not only open a communication for emigrants to pass to the same, but cause the said lands speedily to sell, and be of immense advantage to the state of Indiana and the United States. The state of Indiana has paid large sums of money into the treasury of the United States, by the purchase of lands, and the said road would open a direct

Communication for the mail between said points, which would be highly useful, not only to the state of Indiana, but to the United States: Therefore,

Resolved, by the General Assembly of the state of Indiana, That our senators in congress be instructed, and our representatives requested, to use all reasonable exertions, to induce congress to donate one section of land along the route, for each mile of said road, from Lawrenceburgh, on the Ohio river, through Brookville in Franklin county, Connersville in Fayette county, Centreville in Wayne county, Winchester in Randolph county, Fort Wayne in Allen county, the county seat of Elkhart county, and from thence to the county seat of St. Joseph county; and also to donate one section of land, for each mile in length of another road, to be located from the Horse-shoe Bend on the Ohio river, by the way of Paoli, Bedford, Bloomington, Martinsville, and from thence to a point on the Michigan road, directly east of the town of Frankford, in Clinton county, to aid the state of Indiana in constructing said roads, and authorize the state of Indiana, to select the lands so to be located as aforesaid, any where within ten miles of said routes, out of any unsold lands belonging to the United States.

Resolved, That his excellency, the governor, be requested to transmit a copy of the foregoing preamble and resolution, to each of our senators and representatives in congress.

CHAPTER CXLI.

A Joint Resolution of the General Assembly, relative to the Purchasers of Public Lands.

[APPROVED, DECEMBER 31, 1830.]

Whereas, the liberal policy of the general government, extending relief to purchasers of the public lands, in this and the western and south-western states, has met with the approbation of the several communities interested in such relief, and has probably been attended with no loss to the national treasury. Believing that a continuance of the same beneficent indulgence, is called for, by humanity and tenderness, towards large numbers of our unfortunate citizens: Therefore,

Resolved by the General Assembly of the state of Indiana, That our senators and representatives in congress, be requested to use their exertions to continue for — years longer, the act of congress, entitled an “act for the relief of the purchasers of public lands, and for the suppression of

fraudulent practices at the sales of public lands of the United States,” approved, 31st March, 1830.

Resolved further, That our representatives and senators, endeavor to procure the passage of a law, authorizing every person indebted to the general government, for the purchase of land, under the credit system, to relinquish such part of his purchase, as will enable the debtor to close his accounts with the United States; and that such debtor be allowed thirty seven and a half per cent. discount, on the original purchase money, for the land retained, and be allowed a full credit on the balance due, for the amount paid at the time of purchase.

Resolved, That the governor be requested, forthwith to cause copies of the preceding resolutions, to be immediately forwarded to each of our senators and representatives in congress.

CHAPTER CXLII.

A Joint Resolution of the General Assembly, relative to the improvement of the Wabash and White Rivers.

[APPROVED, JANUARY 29, 1831.]

Resolved, by the General Assembly of the state of Indiana, That our senators in congress be instructed, and our representatives requested, to endeavor to procure the passage of a law, for an appropriation of a reasonable sum, to defray the expense of improving the navigation of the Wabash and White rivers, on a plan similar to that now in successful operation, with snag boats, on the Ohio and Mississippi rivers.

CHAPTER CXLIII.

A Joint Resolution of the General Assembly, relative to the improvement of a harbour on Lake Michigan.

[APPROVED, JANUARY 7, 1831.]

Resolved by the General Assembly of the state of Indiana, That his excellency, the governor, be, and he is hereby authorized and requested, to apply to the secretary of war of the United States, and procure, if possible, a corps of engineers, to make a survey of the mouth of the river Deschimini, with instructions to examine and report as to the practicability, best manner and expense of improving the same.

Resolved, That his excellency, the governor, be requested to transmit to each of our senators and representatives in congress, a copy of the foregoing resolution, as soon as practicable, and request their co-operation in effecting the object of the same.

CHAPTER CXLIV.

Memorial and Joint Resolution of the General Assembly of the state of Indiana, on the improvement of the Navigation of the Wabash river.

[APPROVED JANUARY 7, 1831.]

To the Senate and House of Representatives of the United States, in Congress assembled: Your memorialists, the general assembly of the state of Indiana, respectfully represent, that within the limits of the county of Posey, in this state, there is an island situated in the Wabash river, which, following the meanders of the same, is about thirty-five miles from its mouth, known by the name of McArthur's island, and containing about five thousand acres of land, a considerable portion of which is susceptible of cultivation: That from some cause unknown to your memorialists, the said island has never been surveyed or offered for sale by the government of the United States, although repeated applications have been made to the land office of the district in which said island is situated, to purchase parts thereof.

Your memorialists would further represent, that the navigation of the river in which the said island is situated, is impeded by many obstructions, some of which are occasioned by the island itself; and that between the island and the mouth of White river, as well as between the same and the mouth of the Wabash, numerous obstructions exist, which an appropriation by congress, equal to the value of the lands on the island aforesaid, would probably remove.

Your memorialists further state, that they are interested conjointly with the state of Illinois, in the improvement of the Wabash river, between the points specified, and wish to avail themselves in an equal degree, only, with their neighbors, of all the legitimate aid which it is in the power of the general government to afford, to improve the navigation of the Wabash, so far as it is common to their respective states.

Your memorialists, considering that this island has hitherto been deemed so insignificant as entirely to have escaped the notice of the general government, and that its disposition may be so ordered as to have a decidedly beneficial influence on the internal navigation of two states, re-

spectfully ask that the same may be appropriated to improve the navigation of the river in which it is situated. The manner of doing this, either by placing the same at the disposal of this general assembly immediately, or authorizing a survey and sale, and after the expenses thereof shall have been defrayed, placing the residue at the disposal of your memorialists, exclusively for the purposes aforesaid, they submit to your superior wisdom and discretion, and respectfully call your attention to the following joint resolution of this general assembly.

Resolved by the General Assembly of the state of Indiana, That the governor be requested immediately to forward to each of our senators and representatives in congress, a copy of the foregoing memorial, with a special request that they use their best exertions, and invite the aid and co-operation of the senators and representatives of the state of Illinois, in procuring the donation and disposition contemplated in the preceding memorial.

Resolved, further, That the governor be requested to cause to be transmitted to the governor of the state of Illinois, a copy of the preceding memorial and joint resolution, with a request that he would invite the aid and co-operation of the legislature of said state, in the furtherance of the object aforesaid.

CHAPTER CXLV.

A Memorial and Joint Resolution for the relief of John Kimberlin.

[APPROVED, JANUARY 26, 1831.]

To the honorable Senate and House of Representatives of the United States, in Congress assembled: The memorial of the general assembly of the state of Indiana, respectfully sheweth, that some time in the year 1812, a party of hostile Indians made an attack on, and massacred, in the most barbarous manner, a number of white people, in a settlement at a place called the Pigeon Roost, in Clark county, (then Indiana territory:) that in consequence of said murder, from five to seven hundred volunteers came from the neighboring settlements, for the purpose of defending the frontier settlements in that part of the country; that said volunteers encamped near a small farm owned and occupied by John Kimberlin, it being in the month of September; the said volunteers trespassed on said Kimberlin, by pulling down his fences, and destroying his grain, using it as forage for their horses; also taking many other articles of

provisions, for the use of said volunteers, while at said encampment; the whole amount of grain and other articles taken from said Kimberlin, by and for the use of said volunteers, exceeding in value one hundred dollars, for which he has never received any compensation whatever. It is believed that it has been the uniform practice of the United States, to pay her citizens for property taken by and for the use of her troops, whether regular, volunteers or militia, while in the service of their country. Although said Kimberlin has never until now presented his claims to the consideration of government, yet it is believed they are valid; and that his failure to bring them forward whilst in the enjoyment of health and strength, instead of prejudicing the same, should, with a just and magnanimous government, operate strongly in his favor, and strengthen the disposition to grant him redress.

Therefore, resolved, That our senators be instructed, and our representatives requested, to use their best exertions, to cause the claims of John Kimberlin of Scott county, to be liquidated, being for grain and other articles taken from him, by and for the use of said volunteers, placed on the frontiers of Indiana, (then territory) in the year 1812. And that his excellency the governor be requested to forward a copy of the foregoing memorial and joint resolution, together with the petition and affidavits, to each of our senators and representatives in congress.

CHAPTER CXLVI.

A Memorial of the General Assembly of the state of Indiana, on the continuation of the construction of the Cumberland Road.

[APPROVED, DECEMBER 31, 1830.]

To the Senate and House of Representatives of the United States, in Congress assembled: Your memorialists, the general assembly of the state of Indiana, beg leave respectfully to represent, that the prosperity which has marked those parts of the United States, to which commercial facilities have been extended, by the construction of roads and canals, has awakened in their minds the deepest solicitude on the subject of internal improvements. They contemplate a national system, with national means, and under the auspices of the national councils, as not only more efficient in promoting the interior intercourse of our widely spread country, than the disjointed efforts of the several states; but particularly as tending in a greater degree, to strength-

en the bonds of our union, and subserve the purposes of self-defence, in the contingency of war.

The isolated situation of the country, between the great lakes of the north, and the rivers Ohio and Mississippi, with the necessarily limited resources of a people encountering the privations, and contending against the hardships of a country so recently settled, render peculiarly acceptable, all measures, auxiliary to their own exertions, for improvement, and for the attainment of such facilities of intercourse with distant places and markets, as characterize the advances of intelligent and enterprising communities. Among the works regarded with solicitude by a large portion of the population alluded to, the Cumberland road is most prominent. The stimulus already given to the industry and improvement of the country through which it passes, the rapid multiplication and growth of villages and towns upon its route, furnish decisive evidence of its utility. By it, a country otherwise shut out, except immediately upon its largest rivers, is brought to view and occupancy, and instead of remaining for half a century, uninhabited and unproductive, is largely contributing to the treasury of the nation. It is confidently believed by your memorialists, that the national exchequer has already been reimbursed two fold the sums appropriated to the location and opening of this road to Indiana; and they respectfully submit to your honorable body, whether this fact alone, should not stamp with unwavering approbation, the policy of its continuance. Your memorialists are firmly persuaded, that the United States, considered merely in the light of owners of property, have a direct interest in improving the public domain, by giving facility and extension to every reasonable plan for that purpose. That their relation to the states of this union, more especially to the younger members of the confederacy, in the west, superadds the claims of parental supervision, to those of private interest, in every point of view in which the subject can be placed. Your memorialists consider that the new states and territories, present the strongest inducement to your honorable body, to persevere in the prosecution of a system of internal improvements.

The citizens of Indiana, are at this time impelled, by all the considerations that influence their own prosperity, or affect the welfare of their contiguous brethren, earnestly to solicit such an appropriation of money, on the Cumberland road, as will cause the same to be practically useful, by having the same graded, the streams bridged, and the road rendered passable. They are happy in being able to assure your honorable body, that so far as Indiana is concerned, the appropriations have been judiciously expended; but

that unless further appropriations are made and applied to the completion of the work, much of that which has already been expended, will be rendered unavailable and profitless. Thus the strictest economy, unites with the call of patriotism and the wishes of your memorialists, in soliciting an appropriation, competent to the speedy completion of the work, in a manner commensurate with the noble design of its projectors.

Resolved by the General Assembly, That his excellency the governor, be requested to transmit a copy of the foregoing memorial to each of our senators and representatives in congress.

CHAPTER CXLVII.

A Memorial to the Congress of the United States, on the subject of Asylums, and for Lands to construct them.

[APPROVED, DECEMBER 31, 1830.]

The general assembly of the state of Indiana, as your memorialists, desires to lay before your honorable body, her views in regard to a subject, not less addressed to the interest and humanity of all the states in the confederacy, as a common benefaction, than emphatically regarded by the constitution of this state, as specially demanding the interposition of her legislature. Though Indiana is bound by her charter, to provide farms for asylums for the poor, infirm, and unfortunate, within the pales of her jurisdiction, she would, without such injunction, rejoice at every successful effort at home or abroad, tending to alleviate the distresses of this class of mankind. Under these convictions, she would respectfully submit to the congress of the United States, her requests, that an act may be passed, granting one section of land for each county in the state, to be selected by her; which, or its proceeds, shall be applied to erect asylums and provide farms to receive all persons found to be objects of charity; and also granting two sections, to be located in like manner, to be applied to benefit the deaf and dumb within her entire boundaries; and also granting one section, in like manner, to erect and sustain a state lunatic asylum.

In making this appeal, the state of Indiana repudiates the idea of selfishness, and wishes to be understood as desiring only to take upon herself the responsibility of an agent, empowered to minister consolation to all whom casualty or misadventure, may render dependent on benevolent protection.

This general assembly wishes not to stop at the limits of the request now made, but to express a hope that all the western states, having unsold lands within their jurisdiction, may apply for and succeed in obtaining similar grants to those applied for in this memorial. When this shall take place, the humane institutions they will foster, may be considered as much the common property of the whole union, and must be so in effect, as when they formed a part of the yet claimed general domain. The annual discharges of population from the old states, to those recently formed, must, in the nature of things, furnish many objects calling for the exertion of the trust estate confided to our care, in such a manner as to display a union of philanthropy. Indeed when it is considered, that the unacclimated are necessarily more exposed to casualties of every description, and more liable to fall victims to the assaults of the season, than the native, or old settler, the request herein made, may justly be viewed as tending only to induce a provision for ameliorating the condition of the distressed of the whole American family, whose necessities require aid.

It is conclusive that the amount of lands asked for by this memorial, cannot be more appropriately applied, than to the objects referred to; and all the sympathies of our nature advocate the gift.

Resolved, That our senators in congress be instructed, and our representatives requested, to obtain the objects of this memorial.

Resolved, That the governor forward copies of the same to each of our senators and representatives.

CHAPTER CXLVIII.

A Preamble and Joint Resolution of the General Assembly of the State of Indiana.

[APPROVED, JANUARY 29, 1831.]

Whereas, It seems an incumbent duty on the General Assembly of the state of Indiana, in maintaining the rights of the state, to express an opinion, as to the diversity of construction given by the authorized departments of the general government, and this state, relative to the selection of the lands reserved to the state, by a treaty entered into, October 16, 1826, between Lewis Cass, James B. Ray, and John Tipton, commissioners on the part of the United States, and the chiefs and warriors of the Potawatamie tribe of Indians, by which a strip of land, commencing at lake Michigan, and running thence to the Wa-

Wabash river, one hundred feet wide, for a road, and also one section of good land, contiguous to the said road, for each mile of the same, and also for each mile of a road, from the termination thereof, through Indianapolis, to the Ohio river, for the purpose of making a road aforesaid, from Lake Michigan, by the way of Indianapolis, to some convenient point on the Ohio river, was ceded to the United States; and in conformity with which, by an act of Congress of the United States, approved March 2, 1827, entitled "an act to authorize the state of Indiana to locate and make a road therein named," authority was given to the general assembly, to locate and make the road above contemplated, and to apply the land above ceded, to the making of the same: Therefore,

Inasmuch as the location of the said road, as above ceded and authorized, would necessarily be made through the lands purchased by the said treaty, by the United States, of the said Pottawatamie tribe, and especially through the ten mile purchase, named in the latter clause of the first article thereof, the southern line of which would otherwise entirely exclude the road from Lake Michigan, this general assembly feel constrained to assert, as their right, the privilege of locating and making said road, on the most suitable and practicable route, from lake Michigan, by way of Indianapolis, to the Ohio river, and of applying one hundred feet wide of land, on which to locate the same, as well as one section of contiguous land, for the construction of the road, selecting the same, as from the location of said road, this state would be fully entitled to, from the lands so being on the route, and lying contiguous thereto, whether the same should have remained as the property of the said tribe of Indians after said treaty, or were, by the provisions thereof, ceded or sold to the United States, the irrevocable right to the same having fully accrued to this state by the ratification of said treaty, and indubitably by the confirming act of congress above referred to.

That a cession thus made and confirmed, and rights thus secured, could be in any wise affected by purchasers, or cessions of lands belonging to said tribe of Indians, on the route of, and contiguous to, the route whereon said road must, of necessity, be laid, made subsequent to the said treaty of 1826, this general assembly cannot for a moment, or under any consideration admit; for the points of commencement at Lake Michigan, and of the intermediate route, via Indianapolis, to the termination, taken in connection with the known impracticability of constructing the road across the Kankakee ponds, or marshes, sufficiently defined to the general government, the extent

and application of the cession, and confirmation of the grant of lands as aforesaid, to this state, and the right thereto, which had fully and inalienably enured to this state accordingly.

In conformity with the rights and authority vested in the state, and under its direction, by its general Assembly, the said road above contemplated, was surveyed in a direct line from Lake Michigan via Logansport on the Wabash, to Indianapolis; but, on account of the ponds and pools of the Kankakee swamp rendering that route entirely impassable, which measured seventy-four miles from the lake to the Wabash, the design of a location on a direct line was necessarily abandoned, and the nearest and best practicable route was found to be by inclining north-east of the said obstructions, by which direction the road was accordingly, and finally located, in the year 1828, by Messrs. John J. Neely, Chester Elliott, and John M'Donald, commissioners duly appointed for that purpose by the general Assembly of Indiana, measuring from Lake Michigan to the Wabash at Logansport, one hundred and two miles; and which, having been sanctioned by this state, has been finally established by the general assembly thereof, its whole length, from the Lake to Indianapolis, being 171 miles, 41 chains, and 50 links.

While the location thus established, determines the right, before secured to the state, of the land provided for its route, and in its contiguity, for its construction, it is gratifying to this general assembly to know, that much interest and attraction have been added to a considerable portion of the lands of the United States, in the St. Josephs and Elkhart country, and that the value thereof in the hands of the general government, has been materially enhanced by the location, and the prospect of the construction of the said road, as laid.

According to such location, the commissioners above named, subsequently proceeded, under the authority of this general assembly, to select the lands along the route of said road, and as contiguous thereto as good land, according to said treaty and confirmation secured, could be procured, confiding in the acknowledgment by the United States, of the right, in that behalf guarantied to this state, with the approbation and under the sanction of the general government; and in such selection they were further influenced by the examination and concurrence of General John Tipton, Indian agent of the United States, attending, with some of the principal chiefs of the said tribe of Indians, fully authorized on behalf of the United States, to that effect. The plat of such selection

was duly forwarded to the general land office of the United States, and it is with regret this general assembly have received the communication that such location and selection have been entirely disregarded by the officers of that department; and that part of the lands, thus selected, have been sold by the general government, without reference to the vested rights of this state therein; a disregard and injustice which we trust the further reflection of said department, or the decision of congress will disavow: Therefore,

Be it resolved by the General Assembly of the state of Indiana, That our senators in congress be instructed, and our representatives requested, forthwith to endeavor to procure from the proper department of the general government, or from the congress of the United States, an acknowledgment of the right of this state to the lands selected by the commissioners under her authority, for the route and construction of the said road, from lake Michigan, via Indianapolis to the Ohio river; and that the proceeds of the portion thereof which has been sold as above, be paid over to the acting commissioner of this state, Noah Noble, for the adjustment of the contracts entered into by the state for the opening said road, on the faith and pledge of those lands, and that the remaining lands, so selected, or yet accruing to this state, under its vested rights as above, be made subject to disposal by this state, in such way as may leave the manner thereof entirely under the control of this general Assembly, as secured to this state by the said treaty of 1826, and by the act of congress above referred to, confirmatory thereof, approved March 2, 1827.

Resolved further, That the governor of this state be requested, forthwith to forward a copy of the above preamble and resolution to the president, of the United States, to the president of the senate, and speaker of the house of representatives, and to each of our senators and representatives in congress.

CHAPTER CXLIX.

A Memorial of the General Assembly of the state of Indiana, on the subject of a Mail Route from the Falls of Ohio to Indianapolis, by way of Columbus in Bartholomew county.

[APPROVED, JANUARY 7, 1831.]

To the honorable the Senate and House of Representatives of the United States, in Congress assembled: Your memorialists, the general assembly of the state of Indiana, beg leave to

represent, that the establishment of a mail route, direct from the Falls of Ohio to Indianapolis, by way of Columbus, is of manifest importance. That at present, communications between the Falls and Indianapolis are extremely circuitous and tardy, and that to effectually remove the difficulties, your memorialists would earnestly press the subject upon the early attention of congress, and would respectfully ask, for the purpose of constructing a good road between the Falls and Columbus, a portion of the public lands between those points, to aid the object. The land has been long in market, and is much of it of very inferior quality; but if Congress should be pleased to grant to the state, a portion of the land, it might be made available in the improvement of the road, by sales at reduced prices. The route from Columbus to Indianapolis, is along a state road, which will soon be well improved. The other end of the route is susceptible of being rendered an excellent road, but the state would not at this time be able to meet the necessary expenditures.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing memorial, to each of our senators and representatives in congress, forthwith.

CHAPTER CL.

A Memorial of the General Assembly of the state of Indiana, to the Congress of the United States, soliciting an alteration in the Compact of 1816, by which lands sold by the United States are not liable to taxation, for five years from and after the day of sale.

[APPROVED, JANUARY 29, 1831.]

To the honorable the Senate and House of Representatives of the United States, in Congress assembled: The memorial of the general assembly of the state of Indiana, respectfully sheweth, that as your honorable body are well apprized, by a compact existing between the United States and this state, which compact is contained in an act of your honorable body, of April 19, 1816, and an ordinance of the people of this state, made through their representatives, in convention at Corydon, June 10, 1816, which compact is irrevocable, unless by consent of both parties; this state is prohibited from levying any kind of tax whatever, upon lands sold by the United States within this state, until the expiration of five years from and after the day of sale; which compact has been kept in good faith by this state, whereby she has been and continues to be deprived of one principal source of revenue, so important to her in her infancy, and particularly at the present time.

Your memorialists believe that one principal reason on the part of the United States, for wishing the adoption of said restriction, was the uncertainty of many of the purchasers ultimately perfecting their titles to lands purchased by them, and the supposed impolicy of compelling them to pay tax on lands, which, in case of non-payment, (which might happen, in many instances, by causes not within the control of the parties concerned) might and would revert to the United States. At the time of making the compact referred to, and for some years afterwards, the United States sold their lands on a credit of five years. Such is not the case now. The system is changed, the price reduced, and prompt payment required. The uncertainty of perfecting title therefore no longer exists. Any person purchasing, is sure of a title. The above reason for the exemption from taxation therefore no longer exists, and your memorialists can see no sufficient reason for its further continuance.

Your memorialists further represent, that a tax upon lands, is the principal source of revenue of said state. That like all other new states, she stands in need of all the revenue which a reasonable assessment on legitimate objects of taxation within her limits, will afford her, particularly at this time, when she is anxiously laboring for the improvement of her physical and moral condition. That they can see no sufficient reason why persons who have purchased good land, at the low price of \$1 25 per acre, and are sure of a good title, should be exempt from paying any duty thereon to the government, for the long period of five years.

Your memorialists therefore pray your honorable body, to consent, on the part of the United States, that said article of compact be revoked, so as to allow this state the right of hereafter taxing all lands purchased from the United States, under the present system of prompt payment, from and after the date of the purchase. And your memorialists, as in duty bound, &c.

Resolved by the General Assembly of the state of Indiana, That our senators in congress be instructed, and our representatives requested, to use their best efforts to procure the passage of an act of congress, releasing this state from the article of compact mentioned in the foregoing memorial, so as to allow this state the privilege of taxing lands hereafter sold by the United States, in this state, in common with other lands, from and after the time of sale.

Resolved, further, That the governor be requested to forward a copy of the above memorial and resolution, to each of our senators and representatives in congress.

CHAPTER CLI.

A Memorial of the General Assembly of the State of Indiana, to the Senate and House of Representatives of the United States, in Congress assembled.

[APPROVED, DECEMBER 29, 1831.]

Whereas, It has been represented to this general assembly, that John Burk, a citizen of Wayne county, in this state, is an aged and infirm soldier of the revolution; who, by time and accident, has been deprived of all his vouchers, except his discharge from the regiment commanded by Colonel Francis Lock, which regiment it appears was not attached to the continental establishment, for which reason the said John Burk, was denied the benefit of the act of congress, of March 18, 1818, extending relief to revolutionary soldiers. But although his case may not be strictly embraced in any of the acts of congress, yet it is believed that the gratitude due the defenders of our liberties, the philanthropy of the general government, and the spirit of the laws, will not withhold the brief aid, which the services of the subject of this memorial demand, and which his advanced age and indigence, feelingly implore: Therefore,

Resolved, That the governor, be requested to transmit a copy of this memorial, to each of our senators and representatives in congress, requesting them to use their best exertions to obtain the desired relief.

CHAPTER CLII.

A Memorial of the General Assembly of the State of Indiana, relative to the Improvement of the Navigation of the Ohio River.

[APPROVED, JANUARY 7, 1831.]

To the Senate and House of Representatives of the United States in Congress assembled: The memorial of the General Assembly of the State of Indiana, would respectfully represent, that they view the uninterrupted navigation of the Ohio river, at all seasons of the year, as an object in the improvement of our country, of all others the most important: the extreme low state of the river, during four or five months of the past year, has particularly directed the attention of the public, to the improvement of this great national line of communication between the east and west, the same being too low between Pittsburgh and Louisville for the navigation of steam boats of the lightest draught, and between Louisville and the mouth for any excepting those of the smallest class, by reason of which, the commerce and trade of the whole country, has materially suffered, while our enterprising citizens have been subjected to severe loss—

es, in consequence of the detention of their produce and merchandize, and the increased price of freight: *And whereas* it has been represented that experiments have been made by Captain Shreve, superintendent, for removing obstructions to navigation, which clearly prove the practicability and expediency of considerably improving the navigation of said river, so that boats drawing three feet water, can at all times of low water, safely navigate it from Pittsburgh to Louisville, and those drawing four feet from thence to the mouth of said river; and that the improvement contemplated and prayed for, can be made for the sum of three hundred and twenty-five thousand dollars, an inconsiderable sum when compared with the incalculable advantages it would produce to western commerce.

Your memorialists deem it unnecessary to press this subject upon your consideration, knowing that the great importance of the work as connected with the leading interests of a majority of the states of this confederacy, are well known, and doubtless properly appreciated by your honorable body: they therefore respectfully invite your consideration to the appropriation of three hundred and twenty-five thousand dollars for the purpose aforesaid.

Resolved, by the General Assembly of the state of Indiana, That our senators in congress be instructed, and our representatives requested to use their best exertions, to procure an appropriation of three hundred and twenty-five thousand dollars, to improve the navigation of the Ohio river at low water, by means of wing dams, and by opening the channel of the bars and shoals from Pittsburgh to the mouth of the same.

Resolved, That the governor be requested to transmit a copy of the foregoing memorial and resolution, to each of our senators and representatives immediately, and that he transmit a copy of the same to the governors of the states of Pennsylvania, Virginia, Ohio, Kentucky, Illinois, Missouri, and Tennessee, with a request to lay the same before the legislatures of their respective states, and ask their co-operation in the work proposed.

SECRETARY'S OFFICE.

INDIANA, to-wit:

I, JAMES MORRISON, Secretary of State, certify that I have compared the foregoing Acts and Joint Resolutions of the General Assembly of the state aforesaid, as printed, with the originals on file, and have found the same correct, with the exception of a few interpolations, marked thus [], introduced to render the sense more complete.

In testimony whereof, I have hereunto set my hand and affixed the seal of said state, at Indianapolis, this twenty-third day of July, A. D. one thousand eight hundred and thirty-one, the fifteenth year of the State, and of the independence of the United States the fifty-fifth year.

JAMES MORRISON, Sec'y. of State.

TREASURY DEPARTMENT, DEC. 10, 1830.

The Treasurer, in obedience to the directions of the "Act concerning the Auditor of Public Accounts and Treasurer of State," respectfully submits the following report of the public revenue and expenditure, from December 5, 1829, to December 4, 1830.

Cash on hand 5th December, 1829, \$10,123 68

Receipts from that day to 4th December, 1830,

From the assessments of 1820,	16 43
" " 1822,	69 11
" " 1823,	73 20
" " 1825,	620 00
" " 1826,	621 76
" " 1827,	181 29
" " 1829,	

Including unlisted lands not previously reported to Auditor, } 29,386 04

From assessments for 1830,	3,846 22
From the late and present Ag't for Indianapolis,	3,839 95
From the Commissioners of Seminary townships,	4,552 83
From the sale of land mortgaged to Loan Office,	405 00
From the sale of Canal Lands,	18,709 25
Loans refunded,	1,290 16
Interest on Loans,	1,542 40
Militia Fines,	40 33
Penalty of late Collector of Switzerland county,	8 89
Rents of Salt Spring reserves,	90 85
Estates without heirs,	50 77

Making in all, \$75,468 16

Payments from the Treasury during the foregoing period.

To the Adjutant and Quarter-master Generals,	\$154 85
For advertising the Presidential Election,	10 00
Salaries of Circuit Prosecutors,	1,037 55
" Executive Officers,	2,361 05
" Judiciary,	5,566 76
For transporting convicts to State Prison,	607 32
For State Library,	113 12
To Superintendents of Salt Spring reserves,	30 00
For printing and stationary,	3,336 21
Compensation of Probate Judges,	1,273 50
" Wolf scalps,	636 50
To members, Clerks, &c. of late Legislature,	12,041 03
Contingent expenses,	1,026 08
Specific appropriations,	1,202 64
Indianapolis expenditures,	398 92

Carried forward. \$29,695 53

	<i>Brought forward.</i>	\$29,695 53
Michigan Road,		1,184 50
Wabash and Miami Canal,		1,902 56
State Seminary,		2,676 64
Loans and amount to be paid on sale of mortgaged land,		5,928 00
Militia fines distributed,		21 00
Making in all,		\$41,408 23
Which leaves in the Treasury,		34,059 93
<i>The Cash on hand is liable to,</i>		
Outstanding warrants,		\$265 04
Salaries of Judges due but not audited		2,275 00
“ Prosecutors,		202 70
Specific appropriations,		360 00
Claims of Probate Judges (estimated,)		1,500 00
Wabash and Miami Canal fund,		15,806 69
Indianapolis, “		6,765 65
Militia fines,		561 85
Making,		\$27,736 93
Which deducted from the cash on hand leaves		\$6,323 00
The revenue of 1830, to be paid subsequent to the 4th instant, will probably amount to		29,700 00
Making for the current expenses of the year,		\$36,023 00
<i>The expenses may be estimated as follows:</i>		
To Judges and Prosecutors,		\$8,200 00
The Executive,		2,200 00
Printing and stationary,		3,300 00
Legislative expenses,		13,000 00
Specific appropriations,		1,600 00
Contingent,		1,000 00
Militia,		150 00
State Prison,		750 00
Wolf Scalps,		800 00
Probate Judges,		3,000 00
		\$34,000 00
Which will leave in the Treasury, December 1, 1831,		\$2,023 00
Respectfully submitted,		

SAMUEL MERRILL.

AUDITOR'S OFFICE, Dec. 10, 1830.

In obedience to the “Act concerning the Auditor of Public Accounts and Treasurer of State,” the following report of receipts and expenditures, on account of the state of Indiana, is respectfully submitted.

There was remaining in the Treasury on the 5th day of December, 1829, provided all claims audited to that date were paid

	\$9,961 63
Since the above period, there has been paid into the Treasury on account of balances due for the year	1820, 16 43
“ “ “	1822, 69 11
“ “ “	1823, 73 20
“ “ “	1825, 620 00
“ “ “	1826, 621 76
“ “ “	1827, 181 29
From Collectors of Revenue for	1829, 29,352 73
“ “ “	1830, 3,846 22
The Agent of state for Indianapolis,	3,839 95
Seminary Lands,	4,552 83
Mortgaged Lands,	405 00
Loans Refunded,	1,290 16
Interest on Seminary Funds,	1,542 40
From Canal Funds,	18,709 25
“ Estates without Heirs,	50 77
“ Conscientious Fines	40 33
“ Unlisted Lands and Polls,	33 31
“ Penalty on Collectors,	8 89
“ Salt Springs,	90 85

Making in all,	\$75,306 11
Since the above period there has been audited for Public Printing and Stationary,	3,336 21
For expenses of last General Assembly, including pay of Members, Clerks and Door Keepers,	12,041 02
For Salaries of Executive Officers,	2,200 00
“ Judiciary,	5,810 80
“ Probate Judges,	1,273 50
“ Prosecuting Attorneys,	1,037 55
“ Militia Officers,	154 86
State Seminary,	2,676 64
Wabash and Miami Canal Fund,	1,902 56
Michigan Road,	1,204 50
Seat of Government,	398 92
Specific Appropriations,	1,202 64
Electors,	10 00
State Prison,	507 32

Carried forward. \$33,756 52

Brought forward. \$33,756 52

State Library,	113 12
Rock Lick,	30 00
Wolf Scalps,	636 50
Conscientious Fines,	21 00
Seminary Money loaned as per Treasurer's Report,	5,928 00
Contingent Expenses per Treasurer's Report for the year 1830,	1,026 08

Making the total amount of expenditures, \$41,511 22
 Which deducted from \$75,306 11, (receipts) leaves a balance in the Treasury, on the 5th day of December, 1830, provided all claims audited to that date have been paid, of 33,794 80
 The amount of assessments for the present year, as certified by the Clerks of the several counties, is \$41,117 96, from which, after deducting \$7,617 96, delinquencies and other expenses, will leave for the Treasury 33,500 00
 The amount of old delinquencies paid into the Treasury during the present year is 1,581 79
 It is probable that but little more will be collected of those old claims, so that they cannot be relied on with any certainty as making a part of the revenue.

Respectfully submitted,
 MORRIS MORRIS, A. P. A.

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